

# BILL NO. 29

(as passed, with amendments)



*2nd Session, 58th General Assembly  
Nova Scotia  
50 Elizabeth II, 2001*

Government Bill

## **Elections Act (amended)**

CHAPTER 43 OF THE ACTS OF 2001

The Honourable Michael G. Baker, Q.C.  
Minister of Justice

[First Reading](#): April 12, 2001 (LINK TO BILL AS INTRODUCED)

Second Reading: November 6, 2001

[Third Reading](#): November 16, 2001 (WITH COMMITTEE AMENDMENTS)

Royal Assent: November 22, 2001



**An Act Amend Chapter 140**

## of the Revised Statutes, 1989, the Elections Act

Be it enacted by the Governor and Assembly as follows:

**1** Section 2 of Chapter 140 of the Revised Statutes, 1989, the *Elections Act*, is amended by

(a) striking out those titles and Section numbers that appear between "Electors-Qualification and Disqualification . . . . 28-31" and "Nomination of Candidates . . . . 65-72" and substituting the following:

Registration of Electors 31A-46

Revision of the List of Electors 47-64

(b) adding "Campaigning - 75A to 75C" immediately after "Death of a Candidate . . . . 75";

(c) striking out "Issue of Proxy Paper . . . . 100-106A" and substituting "Voting by Write-In Ballot . . . . 100-106"; and

(d) striking out "Official Agent and Election Expenses of a Candidate . . . . 175-193" and substituting "Official Agents, Registration of Political Parties and Expenses . . . . 175-193".

**2** Section 3 of Chapter 140 is amended by

(a) adding immediately after clause (b) the following clause:

(ba) "by-election" means an election that is held to fill a vacancy in the membership of the House of Assembly that did not arise as a result of the dissolution of the House;

(b) striking out "revising officer" in the fifth line of clause (j) and substituting "revision assistant";

(c) adding ", presiding officer, deputy presiding officer" immediately after "agent" in the fifth line of clause (j);

(d) adding immediately after clause (m) the following clause:

(ma) "electoral district association" means an electoral district association endorsed by the leader of a recognized party;

(e) adding immediately after clause (n) the following clause:

(na) "level access" in respect of any premises means premises that are so located that a person may reach the premises from the street or roadway and enter the premises without going up or down any step, stairs or escalator;

(f) striking out clause (o) and substituting the following clause:

(o) "list of electors" means the preliminary list of electors or the official list of electors defined by Section 96;

(g) adding immediately after clause (p) the following clause:

(pa) "municipality" means a municipality within the meaning of the *Municipal Government Act*;

(h) striking out "Sections 30 and 31" in the second line of clause (u) and substituting "Section 31";

(i) striking out "91" in the last line of clause (y) and substituting "91A";

(j) striking out clause (ab) and substituting the following clause:

(ab) "recognized party" means a party that is registered by the Chief Electoral Officer pursuant to Section 177;

(k) adding immediately after clause (ad) the following clause:

(ada) "school board" means a school board within the meaning of the *Education Act*;

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

(m) adding immediately after clause (af) the following clause:

(ag) "write-in ballot" means a ballot that is cast pursuant to Sections 100 to 106.

**3 (1)** Subsection 5(2) of Chapter 140 is amended by adding immediately after clause (c) the following clauses:

(ca) enter into agreements with municipalities and school boards and the Chief Electoral Officer of Canada providing for the sharing of lists of electors;

(cb) receive complaints of violations of this Act, carry out preliminary investigations of the complaints and request the appropriate police authorities to investigate the complaints;

(cc) set general guidelines for the staffing, design and equipping of returning offices, with power to vary guidelines to suit existing circumstances;

(cd) recommend to the Governor in Council, for each position of returning officer, lists of persons for appointment to the position;

**(2)** Section 5 of Chapter 140 is further amended by adding immediately after subsection(2) the following subsections:

(2A) A party to an agreement made pursuant to clause (ca) of subsection (2) shall use any information that party receives, under the agreement, from another party to the agreement, for election purposes only.

(2B) Any person who uses information received by that person under an agreement made pursuant to clause (ca) of subsection (2) for purposes other than election purposes is guilty of an offence.

**4** Chapter 140 is further amended by adding immediately after Section 5 the following Section:

5A (1) The Chief Electoral Officer may negotiate agreements with recognized parties in the House of Assembly providing for methods of voting at a by-election that are different from the methods prescribed by this Act.

(2) The parties to an agreement made pursuant to subsection (1) are the Chief Electoral Officer and the leader of each recognized party in the House of Assembly.

(3) The agreement shall describe the voting method in detail and refer to the provisions of the Act that will not be complied with.

(4) An agreement negotiated pursuant to this Section must be unanimous.

(5) An election held in accordance with an agreement made pursuant to this Section is not invalid by reason only of non-compliance with this Act if the non-compliance is authorized by the agreement.

(6) The Chief Electoral Officer shall report to the Speaker of the House of Assembly on the use of the alternative voting methods within twelve months of the by-election in which the alternative methods were used.

**5** Clause 10(b) of Chapter 140 is amended by striking out "thirty-six" in the second line and substituting "thirty".

**6 (1)** Clause 14(1)(b) of Chapter 140 is amended by adding "or (2B)" immediately after "(2)" in the last line.

**(2)** Section 14 is further amended by adding immediately after subsection (2) the following subsections:

(2A) In subsections (2B), (2C) and (2E),

(a) "electoral boundaries commission report" means a report by the electoral boundaries commission made pursuant to the *House of Assembly Act* after this clause comes into force;

(b) "implementation date" means the date on which legislation that implements an electoral boundaries commission report comes into force.

(2B) Notwithstanding anything contained in this Section, each person who was, immediately before an implementation date, a returning officer ceases to be a returning officer on the implementation date.

(2C) The Governor in Council shall appoint, before an implementation date, a returning officer for each electoral district named in the last electoral boundaries commission report.

(2D) A person appointed pursuant to subsection (2C) ceases to be a returning officer where the person's term of office as a returning officer expires by reason of the operation of subsection (2).

(2E) Each returning officer whose term of office begins on or after an implementation date holds office until the next implementation date, and may be appointed for one or more of such terms, and for greater certainty, a person is not disqualified from being appointed as a returning officer pursuant to subsection (1) for a term of office that begins on or after the implementation date by reason only that the person was a returning officer at any time before the implementation date.

**7 (1)** Subsection 22(2) of Chapter 140 is repealed and the following subsection substituted:

(2) Either the returning officer or the election clerk shall remain continuously on duty in the returning officer's headquarters during such times as are prescribed.

**(2)** Subsection 22(3) of Chapter 140 is repealed.

**8** Section 23 of Chapter 140 is amended by

(a) striking out "Saturday, the thirty-first day before ordinary polling day" in the first and second lines and substituting "five days from the date of the writ";

(b) adding "and" at the end of subclause (a)(ii);

(c) striking out "two copies" in the first line of subclause (a)(iii) and substituting "one copy";

(d) striking out "and" at the end of subclause (a)(iii);

(e) striking out subclause (a)(iv); and

(f) adding "and, in the case of a by-election, to be published in each local newspaper circulating in the electoral district" immediately after "Province" in the last line of clause (b).

**9 (1)** Subsection 24(1) of Chapter 140 is amended by

(a) adding "and fifty" immediately after "hundred" in the second line of subclause (a)(iii);

(b) striking out subclause (a)(iv);

and

(c) striking out "home for the aged approved and each nursing home licensed under the *Homes for Special Care Act*" in the third, fourth and fifth lines of clause (b) and substituting "long-term care facility as defined by the Chief Electoral Officer".

**(2)** Subsection 24(2) of Chapter 140 is amended by adding "and fifty" immediately after "hundred" in the fourth and in the last lines.

**10** Section 25 of Chapter 140 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) The Chief Electoral Officer may redefine any boundary of a polling division, amalgamate two or more polling divisions or divide a polling division if the redefinition, amalgamation or division will improve the conduct of an election.

**11** Section 26 of Chapter 140 is amended by

(a) striking out "or" at the end of clause (a);

(b) striking out the period at the end of clause (b) and substituting "; or"; and

(c) adding immediately after clause (b) the following clause:

(c) if they have been changed under Section 25, the boundaries as redefined by the Chief Electoral Officer.

**12 (1)** Subsection 28(1) of Chapter 140 is amended by

(a) striking out "or other British subject" in the first and second lines of clause (b); and

(b) striking out "30 or" in the second line of clause (c).

**(2)** Clause (1)(a) applies on and after the date on which writs are issued for the second general election that is held after this Section comes into force.

**13** Section 29 of Chapter 140 is repealed and the following Section substituted:

29 (1) A person who is imprisoned in a correctional institution and serving a sentence of two years or more is not entitled to be registered as an elector.

(2) The Chief Electoral Officer and returning officers are not entitled to be registered as an elector.

**14** Section 30 of Chapter 140 is repealed.

**15** Subsections 31(1) to (4) of Chapter 140 are repealed and the following subsections substituted:

(1) The place where a person is ordinarily resident is the place that has always been, or that has been adopted as, the persons dwelling place and to which the person intends to return when away.

(2) There can only be one place where a person is ordinarily resident and it cannot be lost until another is gained.

(3) Temporary absence by a person from a place where the person is ordinarily resident does not cause a loss or change of place of ordinary residence.

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

(4A) Where a person has temporary residential quarters, those quarters are considered to be the place in which the

person is ordinarily resident only if the person has no other place the person considers as that persons residence.

(4B) Where a person is

(a) incarcerated; or

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

the person is ordinarily resident at the place where the person is incarcerated or detained except that, where the person was ordinarily resident in a place immediately before being incarcerated or detained, the person is ordinarily resident in that place.

(4C) Where a person is being provided with food, lodging and other social services by a shelter, hostel or similar institution, the person is ordinarily resident in the shelter, hostel or institution.

(4D) Where the rules set out in subsections (1) to (4C) are not sufficient to determine the place where a person is ordinarily resident, the place where a person is ordinarily resident shall be determined by the appropriate elections officer by reference to all the facts of the case.

**16** Chapter 140 is further amended by adding immediately after Section 31 the following heading and Section:

#### PRELIMINARY LIST OF ELECTORS

31A (1) At any time before, but no later than, the issue of a writ of election for an electoral district pursuant to Section 11, the Chief Electoral Officer shall determine whether the preliminary list of electors for each polling division is to be

(a) prepared by enumeration or confirmation pursuant to Sections 32 to 42;

(b) prepared from information supplied under an agreement made pursuant to clause (ca) of subsection (2) of Section 5;

(c) the official list of electors used in the most recent election in the polling division; or

(d) from any source the Chief Electoral Officer thinks advisable.

(2) A preliminary list of electors prepared in accordance with the method determined by the Chief Electoral Officer pursuant to subsection (1) is, for all purposes of this Act, the preliminary list of electors for the polling division.

**17** Subsection 32(1) of Chapter 140 is amended by adding "where an enumeration or a confirmation is to be conducted" immediately after "district" in the last line.

**18** Subsection 34(1) of Chapter 140 is amended by

(a) striking out "Not later than Saturday, the thirty-first day before ordinary polling day" in the first and second lines and substituting "Within five days after the date of the writ"; and

(b) adding "where an enumeration or a confirmation is to be conducted" immediately after "district" in the last line.

**19** Section 36 of Chapter 140 is repealed and the following Section substituted:

36 The returning officer shall notify each political organization that supplied a list of enumerators of the names of the enumerators and the polling division for which each is to act.

**20** Clause 38(a) of Chapter 140 is amended by adding ", birth date" immediately after "name" in the first line.

**21 (1)** Subsection 39(1) of Chapter 140 is repealed and the following subsections substituted:

(1) An enumeration or confirmation of the electors in a polling division shall commence within five days after the date of the writ and continue for seven consecutive days.

(1A) The enumerators for each polling division to be enumerated or confirmed shall proceed together to ascertain the name and particulars of every person qualified under Section 28 to have that person's name placed on the list of electors for the polling division for which they have been appointed.

(1B) The enumerators shall visit each dwelling place at least twice, once during the day and once in the evening to obtain the names of the qualified electors unless, as a result of one visit, the enumerators secure the names and particulars of the qualified electors residing at the dwelling place.

**(2)** Subsection 39(2) of Chapter 140 is repealed.

**(3)** Subsection 39(3) of Chapter 140 is amended by striking out all that portion of the subsection immediately after "card" in the sixth line to the end of the subsection and substituting "in such form and having such contents as are prescribed."

**(4)** Subsection 39(4) of Chapter 140 is repealed.

**22 (1)** Subsection 40(1) of Chapter 140 is amended by adding immediately after clause (a) the following clause:

(aa) the birth date of each elector;

**(2)** Subsections 40(2), (3) and (4) of Chapter 140 are repealed and the following subsections substituted:

(2) Instead of registering electors on index sheets, the enumerators shall, when directed to do so by the Chief Electoral Officer, confirm, in the prescribed manner and form, the information that appears on a preliminary list of electors not prepared by enumeration and make, in the prescribed manner and form, any changes.

(3) Notwithstanding anything contained in this Act, a person may refuse consent to have that person's name included on the list of electors and, in that case, the enumerator shall record the address of the person and the fact that the person refused to be enumerated, in the prescribed form.

(4) A record made pursuant to subsection (3) shall not appear in the preliminary list of electors or the official list of electors and shall not be available for public inspection.

(4A) A record made pursuant to subsection (3) shall be given to the returning officer by the enumerators when returning the index sheets and the returning officer may give the record to the revision assistant, but otherwise the enumerators shall not otherwise disclose the content of the record.

**(3)** Subsection 40(5) of Chapter 140 is amended by

(a) striking out "Friday, the twenty-fifth day before ordinary polling day" in the first and second lines and substituting "the day fixed by subsection (1) of Section 39 for conclusion of the enumeration";

(b) striking out "or mail by registered mail" in the first line of clause (b); and

(c) adding "or information obtained from confirming a preliminary list of electors pursuant to subsection (2)" immediately after "prescribed" in the last line of clause (b).

**23** Section 42 of Chapter 140 is repealed and the following Section substituted:

42 Upon receipt of the index sheets or confirmation records, the returning officer shall

- (a) determine whether or not Section 40 has been complied with; and
- (b) where Section 40 has not been complied with, either
  - (i) correct any mistakes of a clerical nature on the index sheets or confirmation records and initial them, or
  - (ii) have the enumerators who prepared the index sheets or confirmation records or any other persons appointed by the returning officer as enumerators re-enumerate or re-confirm any or all of the electors in the polling division or otherwise comply with Section 40.

**24** Sections 43 and 44 of Chapter 140 are repealed and the following Section substituted:

43 No later than Monday, the fifteenth day before ordinary polling day, the returning officer shall

- (a) prepare a preliminary list of electors for each polling division in the electoral district;
- (b) certify the list in the prescribed form; and
- (c) provide each political organization with one copy of the list in electronic format and one hard copy of the list.

**25** Section 45 of Chapter 140 is amended by striking out "enumeration" in the second line and substituting "confirmation of registration".

**26** Section 46 of Chapter 140 is repealed.

**27** The heading immediately preceding Section 47 and Sections 47 to 51 of Chapter 140 are repealed and the following heading and Sections substituted:

#### REVISION OF THE LIST OF ELECTORS

47 (1) The revision of each list of electors for an electoral district is the responsibility of the returning officer for the electoral district.

(2) The returning officer shall appoint one or more revision assistants.

(3) A revision assistant has the powers and shall exercise such duties as are conferred or imposed by this Act on each revision assistant.

(4) For greater certainty, the presiding officer at a special poll, the presiding officer conducting a vote by write-in ballot or the election clerk may be appointed as a revision assistant.

(5) A revision assistant shall take an oath in the prescribed form before acting as a revision assistant.

48 (1) Where, following the certification of a preliminary list of electors for a polling division, it appears to the returning officer that a substantial number of electors were omitted from the polling division, or that the information contained in the preliminary list contains a substantial number of incorrect names and addresses of electors, the returning officer may appoint revising agents to correct the information on the preliminary list for that polling division.

(2) A pair of revising agents shall be appointed in the prescribed form and shall represent the two political organizations that, at the preceding election, sponsored the candidates who received the highest number of votes and the next highest number of votes, respectively.

(3) Revising agents shall report to the returning officer in the prescribed form.



**28** Section 52 of Chapter 140 is amended by striking out "revising officer" in the first and in the eighth lines and substituting in each case "returning officer or revision assistant".

**29** Section 53 of Chapter 140 is repealed and the following Section substituted:

53 The Chief Electoral Officer shall, as soon as possible after the issue of a writ, fix the commencement date for the revision of the preliminary lists of electors, but the revision period terminates at eight o'clock in the afternoon of Wednesday, the sixth day before ordinary polling day.

**30** Section 54 of Chapter 140 is repealed.

**31** Section 55 of Chapter 140 is repealed and the following Section substituted:

55 (1) The Chief Electoral Officer shall give public notification of how and when the preliminary lists of electors are to be revised by advertisement or any other means of communication as the Chief Electoral Officer thinks is advisable.

(2) The returning officer shall, in such manner as is prescribed, notify each political organization as to how and when the preliminary lists of electors are to be revised.

**32** Sections 56 and 57 of Chapter 140 are repealed and the following Sections substituted:

56 (1) Each revision assistant for an electoral district shall

(a) make and retain, in the prescribed form, a record of all changes made to a list of electors by the revision assistant;

(b) permit one representative at a time from each political organization that is sponsoring a candidate or who is a candidate in the electoral district to be present during revision, who may object to or support an application made to the revision assistant; and

(c) submit to the returning officer for the electoral district, for review by the returning officer, all applications for additions to, correction of or deletion from lists of electors.

(2) Each returning officer shall ensure that

(a) each list of electors provided to the deputy returning officer for each polling division in the electoral district contains the revisions for that polling station; and

(b) the list of electors for each polling division in the electoral district containing the revisions for that polling division is provided to each political organization.

57 The name and particulars of an elector whose name does not appear on a list of electors may be added to the list if

(a) the elector completes a prescribed registration form that establishes that the elector is entitled to be included on the list, provides satisfactory proof of identity and residence and, where the elector's address has changed during the last six months, provides the elector's previous address;

(b) another elector, who lives at the same residence as the elector whose name does not appear on the list, completes a prescribed registration form, establishes that the elector is entitled to be included on the list and provides satisfactory proof of identity and residence in respect of the elector whose name does not appear on the list; or

(c) another elector, who does not live at the same residence as the elector whose name does not appear on the list,

completes a prescribed registration form, establishes that the elector is entitled to be included on the list and provides

(i) a written authorization from the elector whose name does not appear on the list allowing the other elector to complete the form for the elector whose name does not appear on the list, and

(ii) satisfactory proof of identity in respect of the elector whose name does not appear on the list.

**33 (1)** Subsection 58(1) of Chapter 140 is amended by

(a) striking out "by a revising officer at the sittings" in the second and third lines;

(b) striking out "revising officer" in the first line of clause (b) and substituting "returning officer or revision assistant"; and

(c) striking out all the punctuation and words immediately after "initiative" in clause (b) to the end of the subsection and substituting a period.

**(2)** Subsection 58(2) of Chapter 140 is amended by

(a) striking out "revising officer" in the first line and substituting "returning officer or revision assistant"; and

(b) adding "in the same electoral district" immediately after "division" in the fourth line.

**(3)** Section 58 of Chapter 140 is further amended by adding immediately after subsection (2) the following subsection:

(2A) Where the preliminary list of electors for a polling division is prepared from information supplied under an agreement made pursuant to clause (ca) of subsection (2) of Section 5 and the returning officer is made aware of the fact that one or more of the names should be properly on the list of electors for a polling division in another electoral district, or the information provided by an elector indicates that the name of the elector may appear on the list of electors for a polling division in another electoral district, the returning officer shall so notify either the returning officer of the other electoral district or the Chief Electoral Officer, as directed by the Chief Electoral Officer in the manner prescribed.

**(4)** Subsection 58(3) of Chapter 140 is amended by

(a) striking out "revising officer" in the first line and substituting "returning officer"; and

(b) striking out "sent by registered mail" in the third line.

**34** Section 59 of Chapter 140 is amended by

(a) striking out "revising officer" in the first line and substituting "returning officer or revision assistant"; and

(b) striking out "during the sittings on Thursday and Friday, the twelfth and eleventh days before ordinary polling day," in the third and fourth lines.

**35** Sections 60 to 64 of Chapter 140 are repealed and the following Sections substituted:

60 (1) No later than the eleventh day before polling day, an elector whose name appears on the list of electors for a polling division may make an objection before the returning officer respecting the inclusion of the name of another person on the list for that elector's electoral district.

(2) An elector who wishes to make an objection shall complete an affidavit of objection in the prescribed form, alleging that another person whose name appears on the list of electors is not qualified to vote, and shall submit the affidavit to the returning officer.

(3) The returning officer shall, on the day of receipt of an affidavit of objection or on the following day, deliver to the person objected to, at the person's address given on the preliminary list and also at any other address given on the affidavit, a notice in the prescribed form advising the person referred to in the affidavit that the person may

(a) appear personally or by representative before the returning officer at a specified time no later than the seventh day before polling day; or

(b) send the returning officer, before that time, proof that the person is qualified as an elector.

(4) The returning officer shall, as soon as possible, send to each candidate in the electoral district a copy of the notice referred to in subsection (3).

(5) Where the person objected to decides to appear before the returning officer pursuant to clause (a) of subsection (3), the returning officer shall permit one representative of each candidate in the electoral district to be present, but no such representative, except with the permission of the returning officer, has any right to intervene.

61 (1) Where an objection is made in respect of the affidavit of objection taken pursuant to subsection (2) of Section 60, notice of which has been sent by the returning officer to the person objected to, the returning officer may examine, on oath, the elector making the objection, the person against whom the objection is made, where that person wishes to present that person's position, and any witness present, and make a decision on the basis of the information so obtained.

(2) The onus of presenting sufficient evidence to warrant the striking off of any name from the list of electors is on the elector making the objection.

(3) It is not necessary for the person against whom an objection is made to prove in the first instance that person's name properly appears on the list of electors.

(4) The non-attendance before the returning officer, or the failure to send proof that the person is qualified as an elector, at the time an objection is dealt with, of the person against whom the objection is made does not relieve the elector making the objection from substantiating, in the absence of evidence to the contrary, a case that is considered by the returning officer sufficient to establish the fact that the name of the person objected to improperly appears on the list of electors.

(5) After an objection is dealt with by the returning officer, the returning officer shall either delete the name of the person objected to from the list of electors on which the name appears or allow the name to stay on that list.

62 (1) When the revision is complete, the returning officer shall certify, in the prescribed manner and form, the list for each polling division, as revised, as the official list of electors for the polling division.

(2) As soon as the official list of electors is certified pursuant to subsection (1), the returning officer shall provide each political organization with one copy of the list in electronic format and one hard copy of the list.

**36 (1)** Clause 65(a) of Chapter 140 is amended by striking out "or other British subject" in the first and second lines.

**(2)** Subsection (1) applies on and after the date on which writs are issued for the second general election that is held after this Section comes into force.

**37** Subsection 70(1) of Chapter 140 is amended by striking out "and address" in the fourth line.

**38** Clause 75(2)(b) of Chapter 140 is amended by striking out "thirty-six" in the third line and substituting "thirty".

**39** Chapter 140 is further amended by adding immediately after Section 75 the following heading and Sections:

## CAMPAIGNING

75A A candidate or candidates representative may enter any apartment building or other multiple residence during reasonable hours for the purpose of lawfully campaigning.

75B It is an offence to obstruct a candidate or a candidate's representative in lawfully campaigning.

75C (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.

**40 (1)** Subsection 77(1) of Chapter 140 is amended by

(a) striking out "two copies" in the first line of clause (c) and substituting "one copy";

(b) adding "and" at the end of clause (c);

(c) striking out clause (d);

(d) striking out "and" at the end of clause (e); and

(e) striking out clause (f).

**(2)** Subsection 77(2) of Chapter 140 is amended by adding "and, is during a by-election, to be published in each local newspaper circulating in the electoral district" immediately after "Province" in the last line.

**41** Subsection 80(1) of Chapter 140 is repealed and the following subsections substituted:

(1) The returning officer for an electoral district shall appoint as deputy returning officer for each polling station a person from lists supplied by the candidate of the political organization whose candidate finished first in that electoral district in the last election.

(1A) The returning officer for an electoral district shall appoint as poll clerk for each polling station a person from lists supplied by the political organization whose candidate finished second in that electoral district in the last election.

(1B) The lists referred to in subsections (1) and (1A) shall be transmitted to the returning officer no later than five o'clock in the afternoon of the tenth day before ordinary polling day.

(1C) A returning officer shall proceed to appoint deputy returning officers and poll clerks without the lists if the lists submitted by the time mentioned in subsection (1B) do not contain a sufficient number of qualified persons.

(1D) A returning officer may, on reasonable grounds, refuse to appoint a deputy returning officer or poll clerk recommended by a political organization, and shall advise the political organization of the refusal immediately.

(1E) Where

(a) the boundaries of an electoral district have been altered since the last election for the electoral district; or

(b) there is no political organization to which subsection (1) or (1A) applies,

the Chief Electoral Officer shall determine which political organization is entitled to submit the lists to the returning officer.

**42** Section 82 of Chapter 140 is amended by

- (a) striking out "and addresses" in the third line;
- (b) striking out "mail" in the first line of clause (a) and substituting "provide";
- (c) striking out "and" at the end of clause (a); and
- (d) striking out clause (b).

**43** Clause 84(1)(a) of Chapter 140 is amended by striking out ", the address of the candidate" in the third and fourth lines.

**44** Subsection 87(1) of Chapter 140 is amended by

- (a) striking out "at least five" in the first line of clause (d); and
- (b) striking out clause (g) and substituting the following clause:

(g) a ballot box with seals;

**45 (1)** Subsection 88(1) of Chapter 140 is amended by striking out "Wednesday, the twenty-seventh" in the first and second lines and substituting "Friday, the twenty-fifth".

**(2)** Subsection 88(2) of Chapter 140 is amended by striking out "designated on the printed list of electors" in the second line and substituting "indicated to the electors as the place where the poll is to be held".

**46** Section 91 of Chapter 140 is repealed and the following Sections substituted:

91 (1) Subject to subsections (2) and (3), every polling station in an electoral district shall be in premises with level access.

(2) Where a returning officer is unable to secure suitable premises with level access as a polling station, the returning officer may, with the prior approval of the Chief Electoral Officer, locate the polling station in premises without level access.

(3) A returning officer may, with the consent of the Chief Electoral Officer, locate the polling station in a polling division in an adjacent electoral district, if such a location would be the most convenient for the electors in that polling division.

91A (1) Where, pursuant to clause (b) of subsection (1) of Section 24, a separate polling division is established for one or more long-term care facilities, as defined by the Chief Electoral Officer, the returning officer may, with the approval of the Chief Electoral Officer, establish a mobile polling station to be located in each of those facilities successively.

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

(3) Notwithstanding subsection (2), a mobile polling station shall be in a facility referred to in subsection (1) for not less than three hours.

(4) The returning officer shall give notice to the candidates of the itinerary of the mobile polling station in such form and manner as are prescribed.

(5) Subject to the instructions of the Chief Electoral Officer, the provisions of this Act relating to ordinary polls apply to mobile polls so far as they are applicable.

**47** Clause 92(c) of Chapter 140 is amended by striking out "one agent" in the first and second lines and substituting "two agents".

**48** Subsection 93(2) of Chapter 140 is amended by striking out "one agent or elector" in the fifth and sixth lines and substituting "two agents or electors".

**49** Subsection 96(2) of Chapter 140 is repealed and the following subsection substituted:

(2) The list of electors for a polling division that is certified pursuant to Section 62 is the official list of electors for that polling division.

**50** Section 97 of Chapter 140 is amended by

(a) adding "and fifty" immediately after "hundred" in the second line;

(b) adding "and fifty" immediately after "hundred" in the third line of clause (a); and

(c) striking out clause (b) and substituting the following clause:

(b) in the prescribed manner, divide the official list of electors for the polling division into as many separate lists as required for the taking of the vote at each polling station.

**51** Section 98 of Chapter 140 is repealed and the following Section substituted:

98 (1) A candidate whose name appears on the official list of electors for a polling station and any agent of the candidate, where the agent's name appears on the official list of electors, is entitled on request to receive a transfer certificate to vote at another polling station in the electoral district.

(2) A returning officer or election clerk 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 advance polls to act as an election officer for another polling station in the electoral district.

(3) An elector who has a physical disability that prevents the elector from voting at the polling station where the elector's name is on the official list of electors may apply for a transfer certificate to vote at another polling station with level access in the same electoral district.

(4) An application pursuant to subsection (3) shall be in the prescribed form, and shall be delivered to the returning officer or election clerk by the elector, or a person designated by the elector in writing.

(5) An application pursuant to subsection (1) or (3) shall be delivered to the returning officer or election clerk prior to eight o'clock in the evening on Saturday, the third day before ordinary polling 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 is on the official list of electors, the elector may vote at the other polling station.

**52** Clause 99(d) of Chapter 140 is repealed and the following clause substituted:

(d) transmit a copy of a certificate issued pursuant to subsection (1) or (3) of Section 98, and, where possible, a copy of a certificate issued pursuant to subsection (2) of Section 98, 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;

**53** The heading immediately preceding Section 100 and Sections 100 to 106 of Chapter 140 are repealed and the following heading and Sections substituted:

### VOTING BY WRITE-IN BALLOT

100 (1) An elector, who cannot vote in person at the special poll, at the advance poll or on ordinary polling day, may apply to the returning officer for the electoral district in which the elector is ordinarily resident to vote by write-in ballot.

(2) An application pursuant to subsection (1) shall contain such information and proof of identification as is prescribed.

(3) The returning officer shall begin to receive applications to vote by write-in ballot as soon as is possible after the date of the writ of election, but no later than Saturday, the twenty-fourth day before ordinary polling day.

101 (1) An elector may make an application for a write-in ballot

(a) in person at the office of the returning officer until eight o'clock in the evening of Wednesday, the thirteenth day before ordinary polling day, during the hours that are prescribed, excluding Sunday;

(b) by mail, if the application is received no later than eight o'clock in the evening of Saturday, the tenth day before ordinary polling day; or

(c) by an agent, if the elector is unable, because of a disability or illness, to attend at the returning officer's office to vote at the special poll, or to vote at the advance poll or on ordinary polling day, or to apply for a write-in ballot by mail, no later than eight o'clock in the evening of Saturday, the third day before ordinary polling day.

(2) The returning officer shall approve an application for a write-in ballot from an elector if

(a) subject to subsection (3), the name of the elector is on the list of electors for a polling division in the electoral district; and

(b) the application is complete and is filed with the returning officer in accordance with subsection (1).

(3) Where an application is received pursuant to subsection (1) but the name of the applicant is not on a preliminary list of electors for a polling division in the electoral district for which the election is held, the applicant is deemed to have also applied to be added to the list of electors for a polling division in the electoral district and, where all the information that is required pursuant to Section 57 is provided by the applicant, and the returning officer or revision assistant is satisfied that the elector is qualified to be registered as an elector in the polling division, the name of the applicant shall be added to the list of electors for the polling division.

(4) Where an elector's application is approved, the elector may vote only by write-in ballot.

102 (1) The returning officer shall appoint a presiding officer to conduct the vote by write-in ballot, and may appoint a deputy presiding officer to assist the presiding officer.

(2) The election clerk or revision assistant may be appointed and act as presiding officer or deputy presiding officer, and the presiding officer and deputy presiding officer appointed pursuant to this Section may also act as the presiding officer or deputy presiding officer for the special poll.

(3) When a returning officer approves an application pursuant to Section 101, the returning officer or the presiding officer shall transmit to the elector, in the prescribed manner,

(a) a declaration envelope or outer envelope in such form as is prescribed, to which is attached a declaration that contains such information as is prescribed;

- (b) a ballot envelope or inner envelope, in such form as is prescribed;
  - (c) a ballot paper, in such form as is prescribed, initialed by the presiding officer;
  - (d) an instructional guide containing such information as is prescribed;
  - (e) a return envelope on which is placed the address of the returning officer; and
  - (f) the name of each person nominated as a candidate and the name of the recognized party, if any, that is sponsoring the candidate, if the transmission of the voting materials takes place after the time limited by this Act for acceptance of nominations has expired.
- (4) The presiding officer shall, in the poll book to be used for the write-in ballot, in the prescribed manner and form,
- (a) record the date on which the application was approved;
  - (b) assign to the elector a consecutive number as an applicant;
  - (c) record the name and address of the elector;
  - (d) record the number of the polling division in which the elector is entitled to vote;
  - (e) record the elector's number on the preliminary list of electors, or indicate that the elector was added to the list by the revision assistant; and
  - (f) record the date that the write-in ballot was transmitted to the elector.
- (5) At the conclusion of each day that electors are entitled to apply to vote by write-in ballot, the returning officer shall cause the names of the electors whose applications to vote by write-in ballot have been approved to be identified in the prescribed manner on the list of electors.
- (6) A candidate may have access to the list of electors whose applications to vote by write-in ballot have been approved.
- 103 (1) In order to vote by write-in ballot, the elector shall, after receiving the items transmitted to the elector,
- (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) the name of the recognized party that sponsors 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 in the outer envelope;
  - (e) seal the outer envelope;
  - (f) sign the declaration on the outer envelope; and
  - (g) transmit, in the prescribed manner, to the returning officer the sealed outer envelope that contains the sealed



inner envelope that contains the marked ballot so that they are received by the returning officer no later than the close of polls on ordinary polling day.

(2) When the outer envelope containing the inner envelope and marked ballot are transmitted to the returning officer, and received by the returning officer before the close of polls on ordinary polling day, the presiding officer shall, without unsealing the envelope,

(a) place the presiding officer's initials on the outer envelope;

(b) deposit the outer envelope in the sealed ballot box to be used for the write-in ballots; and

(c) record in the poll book, in the prescribed manner and form, the date and time that the outer envelope containing the inner envelope and marked ballot paper was received in the returning officer's headquarters and placed in the ballot box.

(3) At the time fixed by clause (a) of subsection (1) of Section 101 for the close of receipt for applications for write-in ballots, the presiding officer shall, in the presence of the deputy presiding officer, the returning officer, the election clerk, candidates, agents or electors representing candidates who are present,

(a) affix seals 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) secure the unused ballot papers and the poll book in the prescribed manner; and

(c) give the ballot box and other voting materials to the returning officer who shall secure them until the opening of the time for accepting write-in ballots the next day.

(4) At the time fixed for accepting write-in ballots on each day, the presiding officer, in the presence of the persons referred to in subsection (3) who are present, shall remove the seals from the ballot box and open the secured materials and commence to receive write-in ballots.

104 (1) At the close of the polls on ordinary polling day, the presiding officer and the deputy presiding officer shall proceed to count the write-in ballots.

(2) Where a deputy presiding officer has not previously been appointed, the returning officer shall appoint one to assist the presiding officer with the counting of the ballots.

(3) In the presence of the candidates, their agents or electors representing candidates who are present and at the time fixed by the Chief Electoral Officer and in accordance with the instructions of the Chief Electoral Officer, the presiding officer shall verify the outer envelopes by opening the ballot box and examining the outer envelopes.

(4) The presiding officer shall lay aside unopened and record as a rejected ballot any outer envelope that

(a) contains the name of an elector who is not on the official list of electors for the electoral district;

(b) contains the name of an elector who has voted at the special or advance poll;

(c) shows the information about the elector, as described on the envelope, that does not correspond to the information on the application for registration and for write-in ballot;

(d) does not contain the signature of the elector;

(e) is completed in such a way that the identity of the elector cannot be determined; or

(f) shows that it was received after time specified by clause (g) of subsection (1) of Section 103.

(5) A candidate, agent or elector representing a candidate may object to the rejection of an outer envelope, and the presiding officer shall record the objection in the prescribed form.

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

(7) A ballot paper found in the ballot box other than in an outer envelope shall be so marked and shall be laid aside and is deemed to be a rejected ballot.

(8) When the verification of the outer envelopes is complete, the presiding officer shall

(a) record the number of envelopes accepted and rejected;

(b) open the outer envelopes that have been accepted and remove the inner envelopes;

(c) mix the inner envelopes together in the ballot box;

(d) remove the inner envelopes from the ballot box; and

(e) open the inner envelopes and count the votes cast for each candidate.

(9) A ballot paper that is not contained in an inner envelope shall 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 paper shall be placed and sealed in an inner envelope without being unfolded and the envelope shall be mixed together with the other inner envelopes.

105 (1) Where the elector has printed or written on the ballot paper

(a) the name of a person who has not been nominated as a candidate;

(b) the name of a person and the name of a political party that is not recognized or the name of a recognized party that did not sponsor the person; or

(c) the name of a recognized party that did not sponsor a candidate,

the ballot shall be laid aside and is deemed to be a rejected ballot.

(2) It is not necessary that an elector print or write on a ballot the name of a candidate as it appears on the ballot used at an ordinary poll or the registered name of a recognized party as long as the name of the candidate or recognized party is printed or written on the ballot in such manner that it is clear for which candidate the elector intended to vote or to which recognized party the elector intended to refer.

(3) Where an elector has printed or written the name of a recognized party on a ballot in accordance with clause (a) of subsection (1) of Section 103, the elector is deemed to have voted for the candidate sponsored by that recognized party and the ballot shall be counted as a ballot cast for that candidate.

(4) The presiding officer shall keep a record of every objection made by a candidate, an agent of a candidate or an elector who was present during the counting of the ballot papers.

106 (1) Subject to subsection (2), where an elector is unable, because of a disability or illness, to personally attend at the office of the returning officer of the electoral district or to vote in person at the special, advance or ordinary polls, and the elector wishes to vote by write-in ballot, the elector may appoint an agent to receive and return the write-in ballot on the elector's behalf.

(2) The appointment of the agent shall be in writing, and shall contain a declaration signed by the elector that

shows that the elector is qualified under subsection (1) to appoint an agent.

(3) The returning officer shall not accept the appointment of an agent unless the agent

(a) is on the same list of electors for the polling division where the elector is ordinarily resident;

(b) is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the elector and is ordinarily resident in the Province and is of voting age.

(4) A person can act as an agent for only one elector, unless the person is the child, grandchild, brother, sister, parent, grandparent, husband or wife of the person making the appointment.

(5) Upon the acceptance by the returning officer of the appointment of an agent and upon the agent taking an oath in the prescribed form, the returning officer shall deliver to the agent the voting materials described in subsection (3) of Section 102.

106A Everyone who

(a) makes a false statement in a declaration made pursuant to Section 101, 102 or 106; or

(b) votes at the election after having voted by write-in ballot,

is guilty of an offence.

**54** Clause 108(1)(a) of Chapter 140 is amended by striking out "in person or by proxy at that polling station" in the second and third lines.

**55** Clause 111(1)(a) of Chapter 140 is amended by adding "and where the elector is not the child, grandchild, brother, sister, parent, grandparent, husband or wife of the friend, the friend is a person who has not already acted, in the same election, as a friend to another elector who is not the child, grandchild, brother, sister, parent, grandparent, husband or wife of the friend" immediately after "him" in the second line.

**56** Section 117 of Chapter 140 is amended by

(a) striking out "sanatorium, a home for the aged, a licensed nursing home, a chronic hospital or similar institution for the care and treatment of tuberculosis or other chronic diseases" in the second, third and fourth lines and substituting "a long-term care facility as defined by the Chief Electoral Officer"; and

(b) striking out "institution" in the first and in the fifth lines of clause (b) and substituting in each case "facility".

**57** Clause 118(a) of Chapter 140 is repealed and the following clause substituted:

(a) prefixed by a consecutive number, the name, the address and the number on the official list of electors of each elector who applies to vote or, where the elector's name is not on the official list of electors, then either

(i) the number of the certificate to vote issued to that elector for the polling station, or

(ii) the notation "added", if the application to be added to the list of electors is made to the deputy returning officer;

**58** Clause 120(b) of Chapter 140 is repealed.

**59** Section 122 of Chapter 140 is repealed and the following Section substituted:

122 (1) A person whose name is not on the official list of electors for a polling division where the elector is ordinarily resident may vote at the special poll, the advance poll or the polling station on ordinary polling day if

the person applies to be registered on the list of electors by completing the prescribed application for registration and providing evidence of identification and residence of a prescribed type.

(2) The application for registration shall be made to a revision assistant at the advance poll or at the polling station on ordinary polling day or, where there is no revision assistant at the polling station, the application shall be made to the deputy returning officer of the polling station.

(3) Where there is a revision assistant at the polling station, the revision assistant shall permit one representative of each candidate to be present.

(4) Upon accepting the application for registration, the revision assistant shall issue to the elector a certificate to be presented to the deputy returning officer of the polling station where the elector is to vote.

(5) Where the deputy returning officer accepts the application for registration, a certificate to vote need not be prepared for the elector.

(6) On Monday, the day before ordinary polling day, between nine o'clock in the forenoon and six o'clock in the afternoon, an elector may apply in person to the returning officer, election clerk or revision assistant at the returning officer's office for a certificate to vote, and subsection (1) applies to the application.

**60** Section 123 of Chapter 140 is repealed.

**61** Section 132 of Chapter 140 is amended by

(a) striking out "and the key to the ballot box, if any," in the first and second lines of subclause (f)(i);

(b) striking out "or mail it by registered mail" in the third line of subclause (f)(i) and substituting "it"; and

(c) striking out clause (h) and substituting the following clause:

(h) seal the container prescribed by the Chief Electoral Officer and deliver it to the returning officer or to the agent of the returning officer appointed by prescribed form and the agent, after completing the agent's duties, shall complete an affidavit in the prescribed form.

**62** Section 136 of Chapter 140 is amended by striking out "two and ten oclock in the afternoon" in the last line and substituting "ten oclock in the forenoon and eight oclock in the afternoon".

**63 (1)** Subsection 138(1) of Chapter 140 is repealed.

**(2)** Section 138 of Chapter 140 is further amended by adding immediately after subsection (2) the following subsection:

(3) Subsection (2) applies with respect to a by-election, with such modifications as the Chief Electoral Officer thinks appropriate.

**64 (1)** Subsection 140(1) of Chapter 140 is amended by

(a) striking out clause (a) and substituting the following clause:

(a) that person's name is on the official list of electors of a polling division situate within the advance polling district or that person has received, pursuant to Section 122, a certificate to vote in a polling division within the advance polling district; and

(b) striking out "and" at the end of clause (b); and

(c) striking out clause (c).

**(2)** Section 140(2) of Chapter 140 is repealed.

**65** Section 141 of Chapter 140 is repealed.

**66** Section 142 of Chapter 140 is amended by striking out "gummed paper seals bearing their respective signatures" in the fourth and fifth lines and substituting "seals".

**67 (1)** Section 143 of Chapter 140 is repealed and the following Section substituted:

143 (1) A ballot box used at an advance polling station shall not be opened until the counting of the votes takes place at the close of the poll on ordinary polling day.

(2) On the close of an advance poll, the deputy returning officer shall deliver the ballot box to the returning officer, and the ballot box shall remain in the custody of the returning officer until the counting of the votes takes place at the close of the poll on ordinary polling day.

(3) Subsection (2) does not apply if the returning officer directs the deputy returning officer to maintain custody of the ballot box.

**68** Clause 144(1)(b) of Chapter 140 is repealed.

**69** Section 145 of Chapter 140 is repealed and the following Section substituted:

145 Before the opening of the polls on ordinary polling day, the returning officer shall transmit a list of persons who voted at the advance poll to each candidate.

**70** Clauses 146(a) and (b) of Chapter 140 are repealed.

**71 (1)** Subsection 147(1) of Chapter 140 is repealed and the following subsection substituted:

(1) A special poll shall be conducted every day except Sunday during that period of time commencing at twelve o'clock noon on the twelfth day before ordinary polling day and ending at eight o'clock on the afternoon of the sixth day before ordinary polling day during such hours of each day as are prescribed.

**(2)** Subsection 147(3) of Chapter 140 is amended by striking out all that portion of the subsection immediately following "officer" in the second line to the end of the subsection and substituting a period.

**(3)** Subsection 147(5) of Chapter 140 is repealed and the following subsections substituted:

(5) The returning officer shall appoint a presiding officer to conduct the special poll, and may appoint a deputy presiding officer to assist the presiding officer.

(5A) The election clerk or revision assistant may be appointed and act as presiding officer or deputy presiding officer, and a presiding officer and deputy residing officer appointed pursuant to this Section may also act as presiding officer or deputy presiding officer to conduct the vote by write-in ballot.

**72 (1)** Subsections 148(2) to (4) of Chapter 140 are repealed and the following subsection substituted:

(2) An elector whose name is not on the preliminary list of electors for the polling division may vote at the special poll if the elector produces a certificate to vote from a revision assistant pursuant to Section 122.

**(2)** Subsection 148(5) of Chapter 140 is amended by striking out "in the custody of the presiding officer" in the third and fourth lines and substituting "securely in the returning office".

**(3)** Subsection 148(6) of Chapter 140 is repealed.

**73 (1)** Subsection 149(1) of Chapter 140 is amended by adding "or by write-in ballot" immediately after "poll" in the last line.

**(2)** Subsection 149(2) of Chapter 140 is amended by adding "or by write-in ballot" immediately after "poll" in the third line.

**74** Section 150 of Chapter 140 is repealed.

**75** Chapter 140 is further amended by adding immediately after Section 150 the following Section:

150A (1) The special poll shall be conducted in the same manner as the advance poll with respect to voting procedure and the keeping of records of the polling station.

(2) At the close of voting on each day of the special poll and in the presence of the deputy presiding officer, candidates and agents or electors representing candidates who are present, the presiding officer shall

(a) affix paper seals 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) make such records in the poll book as are prescribed;

(c) secure the unused ballot papers and the poll book in the prescribed manner; and

(d) give the ballot box and other voting materials to the returning officer who shall secure them until the opening of the special poll the next day.

(3) At the opening of the special poll on each voting day, the presiding officer, in the presence of the deputy presiding officer, candidates and agents or electors representing candidates who are present shall remove the seals from the special poll ballot box and open the secured materials in order that voting may be commenced.

**76 (1)** Subsection 151(1) of Chapter 140 is repealed and the following subsection substituted:

(1) Where there is no deputy presiding officer, the returning officer shall appoint an additional presiding officer who, with the presiding officer, shall count the votes cast at the special poll.

**(2)** Clauses 151(2)(a) to (e) of Chapter 140 are repealed and the following clauses substituted:

(a) open the ballot box; and

(b) count the votes cast for each candidate.

**(3)** Subsections 151(3) to (6) of Chapter 140 are repealed.

**77** Clause 154(a) of Chapter 140 is repealed.

**78** Subsection 156(1) of Chapter 140 is amended by striking out "Tuesday, the seventh day after ordinary polling day" in the third and fourth lines and substituting "Thursday, the second day after ordinary polling day".

**79** Subsection 159(1) of Chapter 140 is amended by

(a) striking out "Tuesday, the fourteenth" in the second and third lines and substituting "Thursday, the second";

(b) adding "or, where the statement of poll cannot be obtained and the returning officer ascertains the number of votes cast for each candidate pursuant to Section 157, at the conclusion of the official addition of the votes not later than Tuesday, the seventh day after ordinary polling day" immediately after "day" the second time it appears in the third line;

(c) striking out "or registered mail" in the first and second lines of clause (b); and

(d) striking out clause (d).

**80** Subsection 160(1) of Chapter 140 is amended by

(a) striking out "the judge of the county court of the district within which the electoral district or any part of it is situated" in the fourth, fifth and sixth lines and substituting "a judge of the Supreme Court"; and

(b) striking out "clerk of the county court" in the seventh and eighth lines and substituting "a prothonotary of the Supreme Court".

**81** Subsection 163(1) of Chapter 140 is amended by adding immediately after clause (b) the following clause:

(ba) the Chief Electoral Officer;

**82 (1)** Subsection 168(1) of Chapter 140 is amended by

(a) striking out "fourteenth" in the second line of clause (a) and substituting "tenth"; and

(b) adding "or, where the official addition has been conducted in accordance with Section 157, not later than the fourteenth day after ordinary polling day" immediately after "day" in the second line of clause (a).

**(2)** Subsection 168(2) of Chapter 140 is amended by striking out all that portion of the subsection immediately after "electors" in the eighth line to the end of the subsection and substituting "and in the presence of the judge who conducted the recount, place the names of the candidates on equal size pieces of paper of the same colour and then

(a) fold the pieces of paper so that the names of the candidate placed thereon cannot be seen;

(b) place the pieces of paper, so folded, in a box;

(c) place a cover on the top of the box;

(d) shake the box;

(e) remove the cover from the top of the box;

(f) draw one of the pieces of paper from the box and then unfold the piece of paper so that the name on it can be seen; and

(g) declare elected the candidate whose name appears on the piece of paper so drawn and endorse the return on the writ.

**83** Section 169 of Chapter 140 is amended by

(a) striking out subclause (a)(iv) and substituting the following subclause:

(iv) such number of copies of the list of electors in electronic format and in hard copy as is requested by the Chief Electoral Officer;

and

(b) striking out "revising officer's" in the first line of subclause (b)(i).

**84** Section 177 of Chapter 140 is repealed and the following Sections substituted:

177 (1) For the purpose of this Section and Section 177A, "political party" means a group of individuals

comprising an organization that has as its primary purpose the fielding of candidates for election as members.

(2) A political party may apply in prescribed form to the Chief Electoral Officer to be registered.

(3) An application pursuant to subsection (1) shall be signed by the leader and shall set out

(a) the full name of the party;

(b) the party name or the abbreviation, if any, of the party name to be shown in any election documents or official materials;

(c) the party logo, if any;

(d) the name and address of the party leader;

(e) the address to which communications intended for the party may be addressed and where its books, records and accounts, including those pertaining to contributions to and expenditures by the party, are maintained;

(f) the names and addresses of the officers of the party;

(g) the name, address and telephone number of the party's official agent or agents;

(h) the name, address and telephone number of the party's auditor;

(i) the financial institution in which all contributions to the party are to be deposited, and the account number;

(j) a written statement that its primary purpose is to field candidates for election as members; and

(k) any other information of an administrative nature required by the Chief Electoral Officer.

(4) An application for registration pursuant to this Section shall be accompanied by a complete and accurate petition in prescribed form signed by no fewer than twenty-five electors in each of ten different electoral districts, requesting recognition of the party.

177A (1) On receipt of the application pursuant to Section 177, the Chief Electoral Officer shall

(a) examine the application and determine whether the political party is eligible to be registered;

(b) where the political party's application does not fully comply with Section 177, inform the leader of the political party of that fact, in writing, setting out where the application does not comply; or

(c) where the political party's application complies with Section 177, register the political party and inform the leader that the party is recognized.

(2) The Chief Electoral Officer shall not register a political party if

(a) the Chief Electoral Officer is of the opinion that the name, abbreviation or logo so closely resembles the name, abbreviation or logo of another recognized political party that it is likely to be confused with the other recognized political party; or

(b) the name, abbreviation or logo of the political party includes the word "independent" or an abbreviation of that word.

177B (1) A recognized party shall advise the Chief Electoral Officer in writing of any alteration in the information filed pursuant to subsection (3) of Section 177 within thirty days of the alteration.



(2) A recognized party shall file an annual statement in prescribed form by March 31st in each year that confirms the information required by subsection (3) of Section 177.

(3) Not later than ten days after a writ of election is issued, every recognized political party shall file with the Chief Electoral Officer a statement in writing, signed by the leader, confirming or bringing up to date the information on record with the Chief Electoral Officer.

(4) Every party that is recognized pursuant to this Act at the time of the coming into force of this subsection is subject to this Act.

177C (1) Every electoral district association of a recognized party shall register in prescribed form with the Chief Electoral Officer, which shall set out

(a) the name of the electoral district association;

(b) the name, address and telephone number of its official agent; and

(c) the name of the financial institution in which all contributions to the electoral district association are to be deposited, and the account number.

(2) The information filed pursuant to subsection (1) shall be confirmed annually, in prescribed form, by March 31st of each year.

(3) Every electoral district association registered in accordance with the *Members and Public Employees Disclosure Act* is subject to this Act.

177D (1) The Chief Electoral Officer shall deregister and cease to recognize a recognized party if

(a) the leader of the recognized party sends the Chief Electoral Officer a written notice stating that the party does not wish to remain registered;

(b) at the close of nominations at a general election, the party endorses fewer than ten candidates; or

(c) the registered party fails to comply with Section 177B or Section 184 of this Act or Section 14 of the *Members and Public Employees Disclosure Act*.

(2) At least thirty days before deregistering a registered party pursuant to clause (c) of subsection (1), the Chief Electoral Officer shall deliver a written notice to the registered party and shall give the registered party an opportunity to be heard.

(3) 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 thirty days of the hearing, and the registered party does rectify the contravention.

(4) Where the registered political party is deregistered, the Chief Electoral Officer shall place a notice to that effect in the Royal Gazette and the official agent of the party shall not issue tax receipts for donations received after the date of the entry in the Royal Gazette.

177E (1) The Chief Electoral Officer shall deregister an electoral district association for failure to comply with Section 177C of this Act or Section 14 of the *Members and Public Employees Disclosure Act*.

(2) At least thirty days before deregistering an electoral district association pursuant to subsection (1), the Chief Electoral Officer shall send a written notice to the official agent of record of the electoral district association, and to the leader of the recognized party that endorsed the electoral district association, and shall give both an opportunity to be heard.

(3) 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 thirty days of the hearing, and the electoral district association does rectify the contravention.

177F (1) A person who is

(a) of the age of majority;

(b) entitled to be registered as an elector at a general election; and

(c) not a member of the House of Assembly, a candidate or an auditor acting for a recognized party, electoral district association or candidate,

may act as official agent for any one or more recognized parties, electoral district associations and candidates.

(2) The leader of a recognized party may appoint up to three official agents and may, at any time, in writing delivered to the Chief Electoral Officer, revoke any appointment of an official agent.

(3) Where there is more than one official agent, all are jointly and severally liable for any violation of Section 181.

**85** Section 179 of Chapter 140 is repealed.

**86** Subsection 194(1) of Chapter 140 is amended by striking out "revising officer" in the third line and substituting "revision assistant".

**87** Clause 196(1)(b) of Chapter 140 is amended by striking out "revising officer" in the third and fourth lines and substituting "revision assistant".

