



BILL NO. 145

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

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

CHAPTER 17
ACTS OF 2005

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 19, 2005**

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

*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 Clause 3(ab) of Chapter 140 of the Revised Statutes, 1989, the *Elections Act*, as enacted by Chapter 43 of the Acts of 2001, is amended by striking out “177” in the third line and substituting “177A”.

2 Subsection 5(2) of Chapter 140, as amended by Chapter 43 of the Acts of 2001, is further amended by adding immediately after clause (cd) the following clause:

(ce) obtain information for the purpose of Section 31B;

3 Subsection 22(1) of Chapter 140 is amended by striking out “Upon receipt of notice that a writ has been issued for an election in his electoral district” in the first and second lines and substituting “At the time determined by the Chief Electoral Officer”.

4 Subsection 29(1) of Chapter 140 is repealed.

5 Clause 31A(1)(a) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by adding “, or both,” immediately after “confirmation” in the second line.

6 Chapter 140 is further amended by adding immediately after Section 31A the following Sections:

31B (1) Notwithstanding Section 31A, on and after the coming into force of this Section, the preliminary list of electors for a polling division is the list of electors used during the most recent election, including all revisions made to that list pursuant to this Act, updated as required by this Section.

(2) Each preliminary list of electors referred to in subsection (1) must be updated during an election and regularly between elections as determined by the Chief Electoral Officer.

(3) The Chief Electoral Officer may engage the personnel necessary to carry out the updating referred to in subsection (2) and, for greater certainty, expenses incurred pursuant to this subsection are fees and expenses for the purpose of subsection (1) of Section 174.

(4) The updating referred to in subsection (2) may be done using

(a) information obtained from any method referred to in subsection (1) of Section 31A;

(b) information provided by the Chief Electoral Officer of Canada that was used for compiling lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Canada;

(c) personal information held by a public body as defined in the *Freedom of Information and Protection of Privacy Act* if, in the opinion of the Chief Electoral Officer, the information is necessary for the purpose of creating, revising or updating the preliminary list of electors for a polling division;

(d) personal information listed in public telephone directories;

(e) any other information obtained by or available to the Chief Electoral Officer;

(f) information obtained from any source the Chief Electoral Officer thinks advisable.

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

(6) A public body providing information under subsection (5) may charge a reasonable fee for providing the information, but the fee may not exceed an amount that represents the actual cost of producing a copy of the information.

(7) The preliminary list of electors for a polling division may be revised from time to time as the Chief Electoral Officer considers necessary but must be revised as soon as possible after the conclusion of an electoral boundary review pursuant to the *House of Assembly Act*.

(8) The preliminary list of electors for a polling division may be created, revised or updated manually or by means of any computer-based system and be kept in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(9) The Chief Electoral Officer may assign, in respect of each elector whose information is contained in the preliminary list of electors for a polling division, a unique and permanent identifier number consisting of numbers or letters, or a combination of numbers and letters, to be used to assist in distinguishing an elector from another elector or verifying the information about an elector.

(10) The preliminary list of electors for a polling division may only contain the following information about persons ordinarily resident in the Province who are electors or will be eligible to be electors:

(a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address;

(b) the surname, given name and initial of the person;

(c) the sex of the person;

(d) the telephone number of the person;

(e) the day, month and year of birth of the person;

(f) the unique identifier number assigned under subsection (9);
and

(g) any other identification number assigned by other persons who provide information under this Section to the Chief Electoral Officer to assist in distinguishing a person from another person or verifying the information about a person.

(11) The information referred to in clauses (d) to (g) of subsection (10) obtained under this Act may only be used to verify the identification of an elector when creating, revising or updating a preliminary list of electors.

(12) The information provided to the Chief Electoral Officer under subsection (5) shall be used only for the purpose of this Section and Sections 31A, 31C and 31D.

31C (1) The Chief Electoral Officer shall annually consolidate the preliminary lists of electors referred to in Section 31B and provide to each recognized party, at the time and in the manner determined by the Chief Electoral Officer, a copy of the consolidated list.

(2) The consolidated list of electors, or any part of the list, provided pursuant to subsection (1), shall only be used by a recognized party for electoral purposes.

(3) No recognized party shall use, or authorize or permit the use of, information contained in the consolidated list of electors for purposes other than those referred to in subsection (2).

31D (1) Persons or their agents are entitled to have access to information in the preliminary lists of electors for a polling division about themselves to determine whether the information is correct.

(2) The Chief Electoral Officer may enter into agreements with any person for the purpose of obtaining or providing mapping, geographic or demographic information, but any information provided by the Chief Electoral Officer under this subsection may relate only to the location of residential buildings and not any other elector information.

(3) Any person requesting access to information for the purpose set out in subsection (1) shall complete and sign a declaration.

31E Every one is guilty of an offence who uses, authorizes or permits the use of information contained in the consolidated list of electors for purposes other than electoral purposes.

7 Subsection 32(1) of Chapter 140, as amended by Chapter 43 of the Acts of 2001, is further amended by adding “, or both,” immediately after “confirmation” in the last line.

8 Subsection 34(1) of Chapter 140, as amended by Chapter 43 of the Acts of 2001, is further amended by adding “, or both,” immediately after “confirmation” in the last line.

9 (1) Subsection 39(1) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by adding “, or both,” immediately after “confirmation” in the first line.

(2) Subsection 39(1A) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by

- (a) adding “, or both,” immediately after “confirmed” in the second line;**
- (b) adding “or confirm, as the case may be,” immediately after “ascertain” in the third line; and**
- (c) adding “or confirmed” immediately after “placed” in the fifth line.**

10 Subsection 40(2) of Chapter 140 is repealed and the following subsection substituted:

- (2) The enumerators shall**
 - (a) enumerate by registering electors on index sheets in accordance with subsection (1) in designated polling divisions;**
 - (b) as directed by the Chief Electoral Officer, confirm, in the prescribed manner and form, the information that appears on confirmation records and make, in the prescribed manner and form, any changes; or**
 - (c) as directed by the Chief Electoral Officer in designated polling divisions, enumerate in accordance with clause (a) or confirm in the prescribed manner and form in accordance with clause (b), as the case may be, and make, in the prescribed manner and form, any changes.**

11 (1) Clause 177D(1)(c) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by striking out “registered” in the first line and substituting “recognized”.

(2) Subsection 177D(2) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by striking out “registered” in the second, in the fourth and in the fifth lines and substituting in each case “recognized”.

(3) Subsection 177D(3) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by striking out “registered” in the second, in the third and in the fifth lines and substituting in each case “recognized”.

(4) Subsection 177D(4) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by striking out “registered” in the first line and substituting “recognized”.

12 (1) Subsection 182(1) of Chapter 140 is amended by striking out “an official list of electors in the electoral district” in the last two lines and substituting “, or who registered to vote and was added to, the list on ordinary polling day”.

(2) Subsection 182(2) of Chapter 140 is amended by striking out “an official list of electors in the district” in the fifth line and substituting “, or who registered to vote on ordinary polling day”.

13 Notwithstanding Section 219 of the *Elections Act*, this Act comes into force on such day as the Governor in Council orders and declares by proclamation.
