



# **BILL NO. 43**

*Government Bill*

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

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## **An Act to Amend Chapter 300 of the Revised Statutes, 1989, the Municipal Elections Act**

CHAPTER 46  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
DECEMBER 13, 2007**

The Honourable Jamie Muir  
*Minister of Service Nova Scotia and Municipal Relations*

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

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**An Act to Amend Chapter 300  
of the Revised Statutes, 1989,  
the Municipal Elections Act**

Be it enacted by the Governor and Assembly as follows:

**1 Clause 2(1)(n) of Chapter 300 of the Revised Statutes, 1989, the *Municipal Elections Act*, is repealed and the following clause substituted:**

(n) “electoral district” means a district for the election of a member of a school board;

**2 Subsection 3(1) of Chapter 300 is repealed and the following subsection substituted:**

(1) The Governor in Council shall appoint a person as the Municipal Elections Officer.

**3 (1) Section 13 of Chapter 300, as amended by Chapter 26 of the Acts of 1994 and Chapter 9 of the Acts of 2003, is further amended by adding immediately after subsection (1) the following subsections:**

(1A) Subject to subsection (8), within four weeks after a vacancy occurs on a school board because

(a) an insufficient number of candidates are nominated to fill the vacancies at a regular or special election; or

(b) a member dies, resigns, becomes disqualified or forfeits office,

the school board, or where there is no school board, the Minister of Education, shall name a day for a special election to fill the vacancy and, if no regular meeting of the school board is to be held within that time, the superintendent shall call a special meeting for that purpose.

(1B) Notwithstanding subsection (1A), but subject to subsection (2), if the municipal returning officer is to be the returning officer for the special election of the school board member, the municipal returning officer shall provide the school board or the Minister of Education with the dates that the returning officer is able to act as returning officer for the special election and the school board or the Minister shall select the day for the special election from the dates that the returning officer provides.

**(2) Subsection 13(8) of Chapter 300 is repealed and the following subsections substituted:**

(8) No special election shall be held for a vacancy on a council within the six months preceding ordinary polling day for a regular election unless otherwise determined by the Minister or the council.

(9) No special election shall be held for a vacancy on a school board within the six months preceding ordinary polling day for a regular school board election unless otherwise determined by the Minister of Education or the school board.

**4 Subsection 24(1) of Chapter 300, as amended by Chapter 5 of the Acts of 2003 (2nd Session), is further amended by adding “, or the date set by the returning officer and approved by council, whichever is later,” immediately after “May” in the second line.**

**5 Subsection 25(1) of Chapter 300, as amended by Chapter 5 of the Acts of 2003 (2nd Session), is further amended by striking out “and” immediately after clause (aa) and by adding immediately after clause (aa) the following clause:**

(ab) the sex of the elector; and

**6 Section 27 of Chapter 300 is amended by adding “, or the date set by the returning officer and approved by council, whichever is later,” immediately after “June” in the first line.**

**7 Subsection 34(4) of Chapter 300, as enacted by Chapter 5 of the Acts of 2003 (2nd Session), is amended by striking out “votes” in the second line and substituting “voters”.**

**8 Clause 39(1)(b) of Chapter 300 is repealed and the following clause substituted:**

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

**9 Subsection 41A(1) of Chapter 300, as enacted by Chapter 9 of the Acts of 2003, is amended by striking out “Wednesday” in the second and third lines and substituting “Friday the eighth day”.**

**10 Subsection 44(4) of Chapter 300, as enacted by Chapter 9 of the Acts of 2003, is amended by adding “or all instalments or interim payments that are due as of nomination day have been paid” immediately after “paid” in the last line.**

**11 Section 50 of Chapter 300 is amended by**

(a) adding “(1)” immediately after the Section number;

(b) striking out “at least two issues of a newspaper circulating in the municipality, not less than seven days apart,” in the second, third and fourth lines and substituting “a newspaper circulating in the municipality”; and

(c) adding the following subsection:

(2) In addition to the notice referred to in subsection (1), the returning officer shall give notice

(a) by flyers distributed to households;

(b) by mailing cards to voters; or

(c) in any manner approved by council.

**12 Subsection 51(3) of Chapter 300, as amended by Chapter 9 of the Acts of 2003, is further amended by adding “, including any electronic copies of the list provided to the candidate, or the deletion or destruction of any electronic copies” immediately after “possession” in the fourth line.**

**13 Clause 67(1)(c) of Chapter 300 is amended by striking out “or stitched” in the first line.**

**14 Section 70 of Chapter 300, as enacted by Chapter 18 of the Acts of 1998, is amended by adding immediately after subsection (2) the following subsection:**

(2A) A candidate, at any time before ordinary polling day, by writing delivered to the returning officer, may dismiss the candidate’s official agent and appoint another.

**15 Subsection 83(2) of Chapter 300, as amended by Chapter 5 of the Acts of 2003 (2nd Session), is further amended by striking out “, candidate” in the second line.**

**16 Subsection 92(1) of Chapter 300, as amended by Chapter 5 of the Acts of 2003 (2nd Session), is further amended by**

(a) striking out “official” in the third and in the fifth lines and substituting in each case “final”; and

(b) striking out “, a candidate” in the second line of clause (b).

**17 Clause 93(1)(c) of Chapter 300 is amended by striking out “, a candidate, his agent or an elector” in the second and third lines and substituting “or an agent”.**

**18 Subsection 98(4) of Chapter 300 is amended by striking out “candidate,” in the second line.**

**19 Clause 108(d) of Chapter 300 is repealed and the following clause substituted:**

(d) that have not been marked with a cross, an “X”, a check mark or a line made with a pencil or pen;

**20 Subsection 114(6) of Chapter 300 is repealed and the following subsection substituted:**

(6) The returning officer shall cause notice of the advance polls to be published in a newspaper circulating in the municipality before the first advance poll day.

**21 (1) Clause 123A(1)(g) of Chapter 300, as enacted by Chapter 18 of the Acts of 1998, is amended by striking out “for the school board election” in the second and third lines.**

**(2) Section 123A of Chapter 300, as enacted by Chapter 18 of the Acts of 1998 and amended by Chapter 9 of the Acts of 2000, is further amended by adding immediately after subsection (1) the following subsection:**

(1A) If the returning officer is not the returning officer for the school board election, the returning officer shall deliver the envelopes to the returning officer for the school board election.

**(3) Subsection 123A(2) of Chapter 300 is repealed and the following subsections substituted:**

(2) Where an envelope is delivered to a returning officer for a school board election pursuant to subsection (1) or (1A), the returning officer may appoint a counting officer to count the ballots in all envelopes delivered to the returning officer pursuant to subsection (1) or (1A).

(2A) Where the returning officer for the school board election does not appoint a counting officer pursuant to subsection (2), the returning officer shall carry out the duties of the counting officer.

**22 Subsection 131(1) of Chapter 300 is amended by striking out “county court or of the” in the third and fourth lines.**

**23 Section 143 of Chapter 300 is repealed and the following Section substituted:**

143 (1) Every advertisement having reference to an election that is printed, published, broadcast or distributed, either electronically or in hard copy, shall indicate the name of the person on whose behalf the advertisement is printed, published, broadcast or distributed.

(2) A person who prints, publishes, broadcasts or distributes an advertisement referred to in subsection (1) that does not comply with subsection (1) is guilty of an offence.

**24 (1) Subsection 146A(1) of Chapter 300, as enacted by Chapter 9 of the Acts of 2003, is amended by striking out “or” in the second line and substituting “, electronically or by”.**

**(2) Clause 146A(2)(b) of Chapter 300, as enacted by Chapter 9 of the Acts of 2003, is amended by adding “where applicable” immediately after “ballots”.**

**(3) Subsection 146A(1) of Chapter 300, as enacted by Chapter 9 of the Acts of 2003, is amended by adding immediately after clause (c) the following clause:**

(ca) voting by telephone, via the internet or by any other electronic means, including a combination of different electronic means;

**(4) Section 146A of Chapter 300, as enacted by Chapter 9 of the Acts of 2003, is amended by adding immediately after subsection (5) the following subsection:**

(6) Notwithstanding subsection (5), where a by-law provides for voting electronic means, the by-law must permit voting by non-electronic means at a polling station, including an advance poll.

**25 Clauses 150(a) and (b) of Chapter 300 are repealed.**

**26 Section 158 of Chapter 300 is amended by adding immediately after subsection (3) the following subsection:**

(3A) Notwithstanding subsection (3), if the election was a school board election, the applicant shall name as respondent the superintendent of the school board, the returning officer for the school board election and the candidates who are not named as applicants.

**27 Subsection 160(1) of Chapter 300 is repealed and the following subsection substituted:**

(1) At the conclusion of the hearing of an application pursuant to subsection (1) of Section 158, the judge shall cause a copy of the judge's decision and of the final order to be forwarded to the clerk of the municipality or the superintendent of the school board, as the case may be, and to the Minister.

**28 Section 161 of Chapter 300 is amended by adding "or school board member" immediately after "councillor" in the first line.**

**29 Subsection 162(1) of Chapter 300 is amended by striking out "Appeal Division of the Supreme Court" in the second line and substituting "Nova Scotia Court of Appeal".**

**30 Clause 167(1)(b) of Chapter 300 is repealed.**

**31 Section 4 of Chapter 9 of the Acts of 2003, the *Municipal Law Amendment (2003) Act*, is repealed.**

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

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