



BILL NO. 139

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

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

CHAPTER 47
ACTS OF 2015

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 18, 2015**

The Honourable Zach Churchill
Minister of Municipal Affairs

*Halifax, Nova Scotia
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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 Section 14 of Chapter 300 of the Revised Statutes, 1989, the *Municipal Elections Act*, as amended by Chapter 26 of the Acts of 1994, is further amended by

(a) striking out “ordinary” in the second line of clause (a) and substituting “the first advance”;

(b) striking out “ordinary” in clause (b) and substituting “the first advance”;

(c) striking out “and” at the end of clause (b); and

(d) striking out clause (c) and substituting the following clauses:

(c) has been ordinarily resident in the Province for a period of six months immediately preceding the first advance polling day; and

(d) is ordinarily resident in the municipality or in an area annexed to the municipality and has been so since immediately before the first advance polling day,

2 Subsection 16(8) of Chapter 300, as enacted by Chapter 68 of the Acts of 2011, is amended by striking out “ordinary” in the first line and substituting “first advance”.

3 (1) Subsection 29A(3) of Chapter 300, as enacted by Chapter 26 of the Acts of 1994, is amended by striking out “, the preliminary list of electors or the final” in the second and third lines and substituting “or any”.

(2) Subsection 29A(4) of Chapter 300, as enacted by Chapter 26 of the Acts of 1994, is amended by

(a) striking out “final” in the third line and substituting “amended”; and

(b) striking out “subsection (1) of” in the last line.

4 Subsection 30B(5) of Chapter 300, as enacted by Chapter 9 of the Acts of 2000, is amended by striking out “Sections 98 and 123” in the last line and substituting “this Act”.

5 (1) Subsection 38(1) of Chapter 300, as amended by Chapter 9 of the Acts of 2003, is further amended by adding “a list of electors consisting of” immediately after “with” in the third line.

(2) Subsection 38(2) of Chapter 300, as amended Chapter 5 of the Acts of 2003 (Second Session), is further amended by striking out clauses (a) and (b) and substituting the following clauses:

(a) amend the list of electors furnished by the revising officers by removing the birthdate information and amending and correcting the list of electors in accordance with the returning officer's powers and duties pursuant to subsection (3);

(b) transmit the list of electors as amended pursuant to clause (a) to the printer for printing; and

(c) retain a copy of the amended list of electors for each polling division.

(3) Section 38 of Chapter 300, as amended by Chapter 9 of the Acts of 2003 and Chapter 5 of the Acts of 2003 (Second Session), is further amended by adding immediately after subsection (2) the following subsection:

(3) Upon being furnished with the list of electors and continuing until the day on which the revised list of electors is completed and certified, the returning officer may exercise the same powers and has the same duties as a revising officer and Sections 35 to 37 apply *mutatis mutandis* to the amendment and correction of the list of electors or the amended list of electors by the returning officer in the same manner as they apply to the amendment and correction of the preliminary lists of electors by a revising officer.

6 Sections 39 to 41A of Chapter 300 are repealed.

7 (1) Subsection 43(1) of Chapter 300 is amended by striking out "final" in the third line and substituting "amended".

(2) Subsection 43(2) of Chapter 300, as amended by Chapter 9 of the Acts of 2003, is further amended by striking out "final" in the third line and substituting "amended".

(3) Subsection 43(3) of Chapter 300 is amended by striking out "final" in the third line and substituting "amended".

8 Subsection 48(1) of Chapter 300 is amended by striking out "final lists of all" in the sixth line and substituting "amended list of".

9 (1) Subsection 49A(8) of Chapter 300 is repealed and the following subsections substituted:

(8) Within sixty days after ordinary polling day in an election, every candidate and agent of an association shall file with the clerk of a municipality or the secretary of a school board a disclosure statement.

(8A) A disclosure statement must show the full name and residential or business address, other than a post office box unless that is the only address available, of each contributor whose contributions received during the period since the previous election exceed fifty dollars in total and the amount of the total contributions by that contributor.

(2) Subsection 49A(12) of Chapter 300, as enacted by Chapter 9 of the Acts of 2003, is amended by striking out “regular” in the second line and substituting “ordinary”.

10 Chapter 300 is further amended by adding immediately after Section 50 the following Sections:

50A (1) The revised list of electors shall be completed and certified pursuant to subsection (4) on and not before the day that is three days before the first advance polling day.

(2) Until the completion of the revised list, the returning officer shall amend and correct the amended list of electors in accordance with the returning officer’s powers and duties pursuant to subsection (3) of Section 38.

(3) The revised list of electors for each polling division shall include a description of the polling division.

(4) The returning officer or registrar of voters shall stamp a certificate, to the effect that the revised list of electors is correct and as to the number of sheets in the list, on the facing sheet of the revised list of electors for each polling division and the list so certified shall be used by deputy returning officers in any election.

(5) The revised list of electors shall be the list of electors to be used at each polling station.

50B (1) Where the revised list of electors for a polling division contains the names of more than seven hundred electors, the returning officer shall

(a) provide two or more polling stations for the polling division to allow, as nearly as possible, an equal number of electors, not exceeding seven hundred, to vote at each polling station; and

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

(2) Notwithstanding subsection (1), where an election is only for the office of a member of a school board, the returning officer may consolidate some or all of the polling divisions in the polling district into one polling division.

11 Subsection 51(3) of Chapter 300, as amended by Chapter 9 of the Acts of 2003 and Chapter 46 of the Acts of 2007, is further amended by striking out “final list” in the fourth line and substituting “amended lists”.

12 (1) Subsection 66(4) of Chapter 300 is amended by striking out “with the face of the ballot paper printed in black ink and” in the first and second lines.

(2) Section 66 of Chapter 300, as amended by Chapter 26 of the Acts of 1994 and Chapter 5 of the Acts of 2003 (Second Session), is further amended by adding immediately after subsection (4) the following subsection:

(5) The returning officer may determine the form of the ballot paper, including the quality, weight, colour and size of the ballot paper.

13 Subsection 68(1) of Chapter 300 is amended by striking out “final” in the fourth line of clause (a) and the first line of clause (f) and substituting in each case “revised”.

14 (1) Subsection 76(1) 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

(a) striking out “that the final list of electors is certified” in the first and second lines and substituting “after nomination day”;

(b) adding “amended” immediately after “the” in the second line of subclause (c)(i); and

(c) striking out “or have a certificate of eligibility” in the second, third and fourth lines of subclause (c)(i).

(2) Subsection 76(2) of Chapter 300, as enacted by Chapter 26 of the Acts of 1994 and amended by Chapter 9 of the Acts of 2003, is further amended by

(a) striking out “or the number of the elector’s certificate of eligibility” in the second line of clause (b); and

(b) striking out “or the number of the proxy voter’s certificate of eligibility” in the third line of clause (d).

15 Subsection 85(2) of Chapter 300 is amended by striking out “deposit the ballot paper in the ballot box” in the second last line and substituting the following clauses:

(a) return the ballot paper to the voter to deposit in the ballot box; or

(b) in full view of the voter and all others present, deposit the ballot paper in the ballot box,

16 Subsection 92(1) of Chapter 300, as amended by Chapter 5 of the Acts of 2003 (Second Session) and Chapter 46 of the Acts of 2007, is further amended by striking out “final” in the third and in the fifth lines and substituting in each case “revised”.

17 Clause 94(a) of Chapter 300, as amended by Chapter 9 of the Acts of 2003, is further amended by

(a) adding “revised” immediately after “the” in the second line; and

(b) striking out “or the number of the certificate of eligibility” in the second line.

18 Section 97 of Chapter 300 is amended by striking out “final” in the first line of clause (a), the first line of clause (b) and the second line of clause (d) and substituting in each case “revised”.

19 (1) Subsection 98(1) of Chapter 300 is amended by striking out “final” in the first line and substituting “revised”.

(2) Subsection 98(2) of Chapter 300 is repealed.

(3) Subsection 98(3) of Chapter 300, as enacted by Chapter 9 of the Acts of 2000, is amended by striking out “final” in the third line and substituting “revised”.

20 Chapter 300 is further amended by adding immediately after Section 114 the following Sections:

115 (1) The returning officer shall create a final list of electors, consisting of the revised list of electors together with any revisions made pursuant to Section 98 or 123 and including the birthdate information for each elector whose name appears on the list.

(2) The final list of electors shall be the list of electors for the municipality until new lists have been prepared and revised.

115A A list of electors shall be used for election purposes only and for no other purpose and, in particular, shall not be open for inspection, disposed of or sold.

115B The validity of a list of electors is not affected by

(a) failure to appoint any official within, at, on or before the time limited by this Act;

(b) failure to complete any list of electors or do any thing within, at, on or before the time limited by this Act;

(c) failure of any official to take any oath required by this Act; or

(d) the inclusion on any list of electors of one or more names not authorized to be contained therein, or the omission from any list of one or more names that should have been included therein,

unless in any such case a court finds that the irregularity may have affected the result of an election at which the list of electors was used.

21 Section 122 of Chapter 300 is amended by striking out “final” in the first line and substituting “revised”.

22 (1) Subsection 123(1) of Chapter 300 is amended by striking out “final” in the first line and substituting “revised”.

(2) Subsection 123(3) of Chapter 300 is repealed.

(3) Subsection 123(4) of Chapter 300, as enacted by Chapter 9 of the Acts of 2000, is amended by striking out “final” in the fourth line and substituting “revised”.

23 Chapter 300 is further amended by adding immediately after Section 140 the following Section:

140A (1) Within sixty days of ordinary polling day, the final list of electors shall be given by the municipality to the Chief Electoral Officer for the Province for the purpose of preparation of a provincial list of electors or a permanent register of electors, and the giving of the list of electors to the Chief Electoral Officer for the Province is an electoral purpose within the meaning of subsection (3) of Section 81A.

(2) The final list of electors may be given by the municipality to the Chief Electoral Officer of Canada for the purpose of preparation of a federal list of electors or a permanent register of electors, and the giving of the list of electors to the Chief Electoral Officer of Canada is an electoral purpose within the meaning of subsection (3) of Section 81A.

(3) The final list of electors may be given by a municipality to a village for the purpose of preparation of a village list of electors, and the giving of the list of electors to the village is an electoral purpose within the meaning of subsection (3) of Section 81A.

24 Section 141 of Chapter 300, as amended by Chapter 68 of the Acts of 2011, is further amended by

- (a) adding “or the secretary of a school board” immediately after “clerk” in the second line; and**
- (b) adding “, disclosure statements” immediately after “sheets” in the third line.**

25 (1) Subsection 146A(3) of Chapter 300, as enacted by Chapter 9 of the Acts of 2003 and amended by Chapter 46 of the Acts of 2007, Chapter 24 of the Acts of 2008 and Chapter 68 of the Acts of 2011, is further amended by

- (a) adding immediately after clause (cc) the following clause:**
 - (cd) the appointment and duties of an auditor to audit and monitor the performance of the system of voting;

and

- (b) striking out “41A,” in the second line of clause (d).**

(2) Section 146A of Chapter 300, as enacted by Chapter 9 of the Acts of 2003 and amended by Chapter 46 of the Acts of 2007, Chapter 24 of the Acts of 2008 and Chapter 68 of the Acts of 2011, is further amended by adding immediately after subsection (3) the following subsection:

(3A) Where an auditor is appointed under the by-law, the auditor shall, before entering upon the duties of the office, take the oath in the form prescribed by the regulations.

26 Subsection 155(1) of Chapter 300, as amended by Chapter 9 of the Acts of 2003, is further amended by

- (a) striking out “or” at the end of clause (c);**
- (b) striking out the comma at the end of clause (d) and substituting a semicolon;**
- (c) adding immediately after clause (d) the following clause:**
 - (e) having already voted in a municipal election or school board election, either votes or applies to vote in the same election or in another municipal election or school board election that has the same ordinary polling day;

(f) contravenes any provision of this Act or of a by-law made pursuant to this Act, for which contravention no penalty is otherwise provided,

and

(d) striking out “and is liable to a fine of not more than two thousand five hundred dollars and in default of payment thereof to imprisonment for a term of not more than six months” in the last four lines.

27 Section 156 of Chapter 300, as amended by Chapter 24 of the Acts of 2008, is further amended by

(a) striking out “contravenes any of the provisions of this Act or a by-law made pursuant to this Act,” in the first and second lines and substituting “is guilty of an offence under this Act”; and

(b) striking out “, is guilty of an offence and on summary conviction is liable” in the third and fourth lines and substituting “is liable on summary conviction”.

28 This Act has effect on and after April 15, 2016.
