



BILL NO. 83

Government Bill

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

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

CHAPTER 17
ACTS OF 2015

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 11, 2015**

The Honourable Lena Metlege Diab
Minister responsible for the Elections Act

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

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

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 5 of the Acts of 2011, the *Elections Act*, is amended by

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

(ga) “elector’s agent” means an individual appointed by an elector to assist the elector to vote pursuant to Section 108, 115 or 140A;

(b) striking out “election clerk, assistant election clerk,” in the third line of clause (k);

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

(ma) “electronic” includes created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means;

(d) striking out clause (y) and substituting the following clause:

(y) “prospective candidate” means an individual who self-declares as an independent candidate or an individual who is declared by others, with the individual’s consent, to be a candidate;

and

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

(ada) “scrutineer” means an individual who acts as an agent for a candidate in a polling station or during the counting of the vote, with the written consent of the candidate or the candidate’s official agent.

2 Section 5 of Chapter 5 is amended by

(a) striking out clauses (i) and (j) and substituting the following clause:

(i) vary any of the prescribed forms to suit the existing circumstances;

(b) striking out “the” in the second line of clause (k) and substituting “this”;

(c) adding “, 42A” immediately after “42” in the first line of clause (m); and

(d) striking out “285” in the first line of clause (p) and substituting “287”.

3 Clause 6(h) of Chapter 5 is amended by striking out “family” and substituting “last”.

4 Subsections 11(3) and (4) of Chapter 5 are repealed.

5 Clause 12(a) of Chapter 5 is amended by striking out “office” in the second line and substituting “the Chief Electoral Officer”.

6 Chapter 5 is further amended by striking out the heading immediately after Section 21 and substituting the following heading:

RETURNING OFFICERS

7 (1) Subsections 22(3) and (4) of Chapter 5 are repealed.

(2) Subsection 22(5) of Chapter 5 is amended by striking out “and assistant returning officers” in the second line.

(3) Subsection 22(6) of Chapter 5 is amended by striking out “and the assistant returning officer” in the first line.

8 (1) Subsection 23(2) of Chapter 5 is repealed.

(2) Subsection 23(4) of Chapter 5 is amended by striking out “or assistant returning officer” in the first line.

(3) Subsection 23(5) of Chapter 5 is repealed and the following subsection substituted:

(5) The Chief Electoral Officer may remove or temporarily suspend from office a returning officer

(a) who is incapable, by reason of illness, physical or mental disability or otherwise, of satisfactorily performing the returning officer’s duties;

(b) who fails to discharge competently a duty of a returning officer or to comply with an instruction of the Chief Electoral Officer;

(c) who contravenes subsection (7), whether or not the contravention occurs in the exercise of the returning officer’s duties;

(d) who ceases to reside in the electoral district; or

(e) for cause.

(4) Subsection 23(6) of Chapter 5 is amended by striking out “or the returning officer shall either end the suspension or permanently remove from office an assistant returning officer” in the third and fourth lines.

(5) Subsection 23(7) of Chapter 5 is amended by striking out “or assistant returning officer” in the first line.

(6) Subsection 23(8) of Chapter 5 is repealed.

(7) Subsection 23(9) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(8) Subsection 23(10) of Chapter 5 is amended by

- (a) striking out “or assistant returning officer” in the first line; and**
- (b) striking out “or assistant returning officer” in the first line of clause (a).**

9 Sections 24 to 26 of Chapter 5 are repealed and the following Sections substituted:

24 (1) At the direction of the Chief Electoral Officer, a returning officer or, where the office of the returning officer is vacant, the Chief Electoral Officer, shall appoint an assistant returning officer.

(2) The Chief Electoral Officer shall establish the qualifications for assistant returning officers.

(3) In subsection (4), “immediate family” of a person means

(a) a spouse, a child or grandchild eighteen years of age or older, a mother, father, brother, sister, uncle, aunt, niece, nephew, grandmother or grandfather, or a child or grandchild eighteen years of age or older, mother, father, brother, sister, uncle, aunt, niece, nephew, grandmother or grandfather of the spouse; or

(b) an individual who lives with the person.

(4) A returning officer shall not appoint a member of the returning officer’s immediate family as an assistant returning officer.

(5) The appointment of an assistant returning officer must be made in the prescribed form.

(6) Where an assistant returning officer is unable or unwilling to act or neglects his or her duties or the office of assistant returning officer becomes vacant, the returning officer may appoint another assistant returning officer in place of the current assistant returning officer.

(7) The appointment as an assistant returning officer terminates on the completion of the duties and responsibilities for the election for which the assistant returning officer was appointed or upon the assistant returning officer being dismissed by the returning officer.

(8) An assistant returning officer may be re-appointed.

25 Upon appointment, an assistant returning officer shall complete an oath of office in the prescribed form, and the returning officer shall transmit the oath to the Chief Electoral Officer.

26 (1) During an election, an assistant returning officer shall perform the duties assigned by the returning officer.

(2) At the request of the Chief Electoral Officer, the assistant returning officer may act in place of the returning officer for a time determined by the Chief Electoral Officer and, while so acting, the assistant returning officer has the powers and shall perform the duties of the returning officer and, where a writ has already

been issued, act under the writ as if it had been already addressed to the assistant returning officer, without taking the returning officer's oath of office.

(3) An assistant returning officer shall immediately notify the Chief Electoral Officer if the returning officer is unable to act.

10 Subsection 27(1) of Chapter 5 is amended by

- (a) striking out “or assistant returning officer” in the second line; and**
- (b) adding “or, as instructed by the Chief Electoral Officer, in another electoral district,” immediately after “district” in the third line.**

11 Section 28 of Chapter 5 is repealed and the following Section substituted:

28 Either the returning officer or the assistant returning officer must be on duty in the returning officer's returning office during times prescribed by the Chief Electoral Officer.

12 Subsection 30(2) of Chapter 5 is amended by striking out “and assistant returning officer” in the third line.

13 Section 31 of Chapter 5 is amended by

- (a) striking out “five days from the date of the writ” in the first line and substituting “the twenty-seventh day before election day”; and**
- (b) striking out “and in the office of the assistant returning officer, if any,” in the second line of clause (b).**

14 (1) Subsection 41(1) of Chapter 5 is amended by

- (a) adding “Armed” immediately after “Canadian” in the first line;**
- (b) adding “Armed” immediately after “Canadian” in the second line of clause (a);**
- (c) adding “Armed” immediately after “Canadian” in the first line of clause (b); and**
- (d) adding “Armed” immediately after “Canadian” in each case in the first and second and in the last lines of clause (c).**

(2) Subclause 41(2)(b)(i) of Chapter 5 is amended by adding “Armed” immediately after “Canadian” in the first line.

15 (1) Subsection 43(3) of Chapter 5 is amended by

- (a) adding “, including but not limited to, the following:” immediately after “from” in the first line;**
- (b) adding “, including by telephone and on line through the Elections Nova Scotia website” immediately after “manner” in the second line of clause (a); and**

(c) striking out “and assistant returning officers” in the first and second lines of clause (d).

(2) Section 43 of Chapter 5 is further amended by adding immediately after subsection (3) the following subsection:

(3A) The Chief Electoral Officer may use any prescribed identification to verify the identity of an elector who is providing information by telephone or on line when creating, revising or updating information in the Register of Electors.

(3) Subsection 43(9) of Chapter 5 is amended by striking out “and assistant returning officers” in the second line.

16 (1) Subsection 52(2) of Chapter 5 is amended by striking out “fifteenth day before election day” in the second line and substituting “day following the close of nominations”.

(2) Subsection 52(3) of Chapter 5 is amended by striking out “fourteenth day before election day” in the second line and substituting “day following the close of nominations”.

17 (1) Subsection 54(1) of Chapter 5 is amended by striking out “and the assistant returning officer” in the second line.

(2) Subsection 54(3) of Chapter 5 is amended by striking out “and the assistant returning officer” in the first line.

(3) Subsection 54(4) of Chapter 5 is amended by

(a) striking out “and the assistant returning officer” in the first line; and

(b) striking out “their” in the second line and substituting “his or her”.

18 Subsection 55(1) of Chapter 5 is amended by striking out “and the assistant returning officer” in the first line.

19 (1) Subsection 56(1) of Chapter 5 is amended by striking out “or assistant returning officer” in the second, in the fourth and fifth and in the fifth lines.

(2) Subsection 56(2) of Chapter 5 is amended by striking out “or assistant returning officer” in the first line.

(3) Subsection 56(3) of Chapter 5 is amended by striking out “or assistant returning officer” in the first and in the fourth lines.

20 Subsection 59(1) of Chapter 5 is amended by striking out “As soon as possible after” in the first line and substituting “Within sixty days of”.

21 Section 63 of Chapter 5 is amended by striking out clauses (a) and (b) and substituting the following clause:

- (a) be an eligible elector under Section 38;

22 Subsection 66(1) of Chapter 5 is amended by striking out “fourteenth” in the first line and substituting “twentieth”.

23 Clause 71(1)(a) of Chapter 5 is amended by striking out subclauses (i) and (ii) and substituting the following subclauses:

- (i) declares in the prescribed manner that the candidate has destroyed all lists of elector information, and
- (ii) files with the Chief Electoral Officer a report of election expenses pursuant to Section 229 on or before the deadline, or

24 Subsection 72(2) of Chapter 5 is amended by striking out “of the age of the majority” in the second line and substituting “eighteen years of age or older”.

25 Section 73 of Chapter 5 is repealed and the following Section substituted:

73 Where two members are to be elected for an electoral district, the candidates may by the close of nominations agree in writing to their names being arranged on the ballot otherwise than alphabetically, and the returning officer shall have the names arranged accordingly.

26 Section 75 of Chapter 5 is amended by

- (a) adding “registered” immediately after “A” in the first line; and
- (b) adding “registered” immediately after “or” in the first line.

27 (1) Subsection 81(1) of Chapter 5 is repealed and the following subsection substituted:

(1) No later than two days after the issuance of a writ, the returning officer for an electoral district shall request from the registered parties that, at the preceding election in the electoral district, sponsored the candidates who received the highest number of votes and the next highest number of votes to provide the returning officer with a list of persons from which one or more election officers may be selected.

(2) Subsection 81(2) of Chapter 5 is amended by striking out “tenth” in the second line and substituting “fifth”.

(3) Subsection 81(3) of Chapter 5 is repealed and the following subsection substituted:

(3) When appointing one or more election officers, the returning officer for an electoral district shall give preference to the persons from the lists sup-

plied by the registered parties according to the number of votes their candidates received in that electoral district in the last election.

(4) Subsection 81(4) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(5) Subsection 81(5) of Chapter 5 is amended by striking out “and assistant returning officer” in the second and third lines.

(6) Subsection 81(6) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(7) Subsection 81(7) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(8) Subsection 81(8) of Chapter 5 is amended by striking out “deputy returning officers and poll clerks” in the first and second lines and substituting “election officers”.

(9) Subsection 81(9) of Chapter 5 is amended by

(a) striking out “and assistant returning officer” in the first line; and

(b) striking out “or assistant returning officer” in the third and fourth lines of clause (c).

(10) Subsection 81(10) of Chapter 5 is amended by striking out “or assistant returning officer” in the first, in the third and in the fifth lines.

(11) Subsection 81(13) of Chapter 5 is amended by striking out “election clerk, assistant election clerk,” in the second and third lines.

28 Section 82 of Chapter 5 is amended by striking out “election clerk, assistant election clerk,” in the second line.

29 Subsection 86(3) of Chapter 5 is repealed and the following subsection substituted:

(3) The Chief Electoral Officer, the returning officer, the assistant returning officer, election officers designated by the Chief Electoral Officer and authorized printers shall secure the ballot paper and ballots while they are in their possession.

30 Section 87 of Chapter 5 is repealed and the following Section substituted:

87 (1) The Chief Electoral Officer shall, pursuant to subsection 30(2), cause to be delivered to each authorized printer sufficient ballot paper to print the ballots required to conduct the election in the prescribed electoral districts.

(2) The authorized printer shall

(a) count the ballot papers received and forward a receipt for them to the returning officer and Chief Electoral Officer;

(b) prepare a proof of the ballot according to the instructions of the Chief Electoral Officer and submit the proof to the Chief Electoral Officer for approval; and

(c) upon receipt of the approval, print the number of ballots requested by the Chief Electoral Officer.

(3) The authorized printer shall advise the returning officer when the printing of the ballots is complete and make arrangements for the delivery to the returning office of the ballots and a completed affidavit of the printer in the prescribed form.

(4) The authorized printer shall make arrangements for the delivery to the Chief Electoral Officer of all remaining ballot paper, including those sheets that were spoiled, as well as parts or scraps of ballot paper left over from the printing process.

31 (1) Subsection 88(1) of Chapter 5 is amended by striking out “form” in the second line and substituting “forms”.

(2) Subsection 88(2) of Chapter 5 is amended by

(a) striking out “advance polls and” in the second line;

(b) adding “and” immediately after “officer,” at the end of subclause (e)(ii);

(c) striking out “, and” at the end of subclause (e)(iii) and substituting a period; and

(d) striking out subclause (e)(iv).

(3) Subsection 88(4) of Chapter 5 is amended by

(a) striking out “subsection 73(2)” in the first line and substituting “Section 73”; and

(b) striking out “family” in the second and in the third lines and substituting “last” in each case.

(4) Clause 88(5)(a) of Chapter 5 is amended by striking out “family” in the first line and substituting “last”.

32 (1) Subsection 94(1) of Chapter 5 is amended by

(a) striking out “two agents” in the first line of clause (c) and substituting “up to two scrutineers”;

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

(da) a child of the elector;

(2) Subsection 94(2) of Chapter 5 is repealed and the following subsection substituted:

(2) When a scrutineer is admitted to a polling station, the scrutineer shall deliver the scrutineer's written authorization from the candidate or the candidate's official agent in the prescribed form to the deputy returning officer.

(3) Subsection 94(3) of Chapter 5 is amended by striking out "An agent" in the first line and substituting "A scrutineer".

33 (1) Subsection 95(1) of Chapter 5 is amended by striking out "agents" in the second and in the third lines and substituting in each case "scrutineers".

(2) Subsection 95(2) of Chapter 5 is amended by striking out "An agent of the candidate" in the first line and substituting "A scrutineer".

(3) Subsection 95(3) of Chapter 5 is amended by

(a) striking out "candidate's agent" in the first line and substituting "scrutineer";

(b) striking out "Section 111" in the first line of clause (a) and substituting "subsection 111(2)"; and

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

(c) without disturbing the conduct of the election, convey the information obtained by the examination referred to in clause (a) electronically by photographing or copying it and transmitting it to a representative of the candidate who is on duty outside the polling station; and

(4) Subsection 95(4) of Chapter 5 is repealed and the following subsection substituted:

(4) For greater certainty, no person present in a polling station shall operate an electronic device unless that person is directly authorized to do so under this Act or does so with the permission of the Chief Electoral Officer or designate, obtained in advance.

34 Section 96 of Chapter 5 is amended by

(a) striking out "an agent" in the first line and substituting "a scrutineer"; and

(b) striking out "agent" in the second line and substituting "scrutineer".

35 Clause 98(b) of Chapter 5 is amended by striking out "in the prescribed manner" in the first line and substituting "as instructed by the Chief Electoral Officer".

36 (1) Subsection 99(1) of Chapter 5 is amended by

(a) striking out "agent of the candidate" in the second line and substituting "scrutineer";

(b) striking out “agent’s” in the second line and substituting “scrutineer’s”; and

(c) striking out “is” in the first line and substituting “are”.

(2) Subsection 99(2) of Chapter 5 is amended by striking out “election clerk” in the first line and substituting “assistant returning officer”.

(3) Subsection 99(4) of Chapter 5 is amended by striking out “election clerk” in the second line and substituting “assistant returning officer”.

37 Section 100 of Chapter 5 is amended by striking out “election clerk” in the first line and substituting “assistant returning officer”.

38 (1) Subsection 101(1) of Chapter 5 is amended by striking out “and assistant returning officer” in the second line.

(2) Subsections 101(2) and (3) of Chapter 5 are repealed and the following subsections substituted:

(2) A returning officer shall begin to receive applications to vote by write-in ballot as soon as possible but no later than the twenty-seventh day before election day.

(3) An elector may make an application for a write-in ballot in the prescribed form during the hours the returning office is open to the public

(a) by an elector’s agent appointed pursuant to Section 108, at a returning office other than the returning office in the district where the elector is resident, up to the hour of six o’clock in the evening on the third day before election day;

(b) by an elector’s agent appointed pursuant to Section 108, at the returning office in the district where the elector is resident, up to the hour of three o’clock in the afternoon on election day;

(c) to a write-in ballot co-ordinator in a district where the elector is not resident, up to the hour of six o’clock in the evening on the third day before election day;

(d) to a write-in ballot co-ordinator in the electoral district where the elector is resident, up to the hour of three o’clock in the afternoon on election day; or

(e) by any other means, if the application is received at a returning office or a location prescribed by the Chief Electoral Officer for that purpose, on the tenth day before election day.

(3) Subsection 101(5) of Chapter 5 is repealed and the following subsection substituted:

(5) On the first day of the write-in ballot poll, in full view of the candidates and up to two scrutineers for each candidate or up to two electors repre-

senting each candidate, as may be present, the presiding officer for the write-in ballot poll shall

- (a) open the ballot box and ensure that it is empty;
- (b) secure the ballot box according to the instructions of the Chief Electoral Officer; and
- (c) label the box for write-in ballots of electors.

(4) Subsection 101(6) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(5) Subsection 101(9) of Chapter 5 is amended by striking out “and assistant returning officer” in the second and third lines.

(6) Subsection 101(10) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(7) Subsection 101(11) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(8) Subsection 101(14) of Chapter 5 is amended by striking out “and assistant returning officer” in the first line.

(9) Subsection 101(15) of Chapter 5 is amended by

- (a) adding “or” at the end of clause (b);**
- (b) striking out the semicolon at the end of clause (c) and substituting a comma; and**
- (c) adding “and” immediately before clause (d).**

39 (1) Subsection 102(1) of Chapter 5 is amended by

- (a) striking out “assistant returning officer,” in the first line; and**
- (b) striking out clauses (a) to (c) and substituting the following clauses:**
 - (a) the name of the elector is on the list of electors for a polling division in any electoral district and the elector provides the prescribed proof of identity and residence; or
 - (b) the elector swears or affirms the elector’s eligibility to vote and current residence.

(2) Subsection 102(4) of Chapter 5 is amended by striking out “assistant returning officer,” in the first and second lines.

40 (1) Clause 103(2)(a) of Chapter 5 is amended by striking out subclause (ii) and substituting the following subclause:

(ii) with a cross, an “X”, a check mark, a line or other mark in the blank space provided on the ballot opposite the name of the registered party that endorsed the candidate the elector wishes to have elected,

(2) Section 103 of Chapter 5 is further amended by repealing subsections (3) and (4) and substituting the following subsections:

(3) Where an elector requests assistance, an election officer, an elector’s agent appointed pursuant to Section 108 or a write-in ballot co-ordinator may assist the elector by marking the write-in ballot in the manner directed by the elector.

(4) Unless voting by means of a write-in ballot co-ordinator, it is the voter’s responsibility to return the completed write-in ballot before the close of polls on election day.

(5) Where the elector or the elector’s agent has applied at the returning office of the electoral district where the elector is resident, the ballot must be returned to that returning office.

(6) Where the elector or the elector’s agent has applied at a returning office of an electoral district where the elector is not resident or to a location prescribed by the Chief Electoral Officer for that purpose, the ballot must be returned to

(a) the returning office where the application was received, before the close of advance polls on the third day before election day;

(b) the returning office of the electoral district where the voter is resident, before the close of polls on election day; or

(c) a location prescribed by the Chief Electoral Officer for that purpose, before the close of polls on election day.

41 (1) Subsection 104(1) of Chapter 5 is amended by

(a) striking out “the returning officer for that elector’s electoral district” in the first and second lines of clause (a) and substituting “a location prescribed by the Chief Electoral Officer”; and

(b) adding “as” immediately after “time” in the third line of clause (b).

(2) Subsection 104(2) of Chapter 5 is amended by

(a) striking out “of the electoral district where the elector resides” in the second and third lines and substituting “at the location prescribed by the Chief Electoral Officer”;

(b) adding “and” at the end of clause (b);

(c) striking out “; and” at the end of clause (c) and substituting a period; and

(d) striking out clause (d).

42 (1) Subsection 105(1) of Chapter 5 is repealed and the following subsection substituted:

(1) Where an outer envelope containing the write-in ballot is received at the returning office or at a location prescribed by the Chief Electoral Officer by the applicable deadline set out in subsection 103(6), the presiding officer shall, without unsealing the outer envelope,

(a) verify the information and signature on the outer envelope against that on the voter's application; and

(b) deposit the outer envelope in the ballot box used for the write-in ballot poll.

(2) Clause 105(2)(c) of Chapter 5 is amended by striking out “in the prescribed manner” in the third line and substituting “as instructed by the Chief Electoral Officer”.

(3) Subsection 105(3) of Chapter 5 is repealed and the following subsection substituted:

(3) At the opening of the poll on each day, the presiding officer, in the presence of the persons referred to in subsection (2) who are present, shall remove the seals from the ballot box and open the secured materials.

43 Chapter 5 is further amended by adding immediately after Section 105 the following Section:

105A After the close of the write-in ballot poll on the third day before election day, the presiding officer, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present or, where none of them are present, in the presence of at least two electors, shall

(a) open the ballot box and separate the outer envelopes containing the write-in ballots cast by electors who reside in the district from the outer envelopes containing ballots cast by electors who reside in another district;

(b) place the outer envelopes of the electors who reside in the district back in the ballot box and reseal the ballot box; and

(c) place the outer envelopes of the electors who reside in another district and one copy of the electors' approved applications in an envelope and deliver the envelope to the returning officer who shall deliver it as instructed by the Chief Electoral Officer.

44 Subsection 106(2) of Chapter 5 is amended by striking out “agents per” in the third line and substituting “scrutineers for each”.

45 (1) Subsection 107(1) is repealed and the following subsections substituted:

(1) The returning officer or assistant returning officer may appoint additional presiding officers and deputy presiding officers to assist with the counting of the ballots for the write-in ballot poll.

(1A) After the close of polls on election day or at such earlier time as approved by the Chief Electoral Officer, the presiding officer and deputy presiding officer, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, or up to two representatives of each registered party, as may be present, or, where none of them are present, in the presence of at least two electors, shall

- (a) remove the seals from the ballot box;
- (b) record the number of outer envelopes rejected and accepted, and secure the outer envelopes, the poll record, the voters' write-in ballot applications and any other documents;
- (c) open the outer envelopes that have been accepted and remove the inner envelopes;
- (d) mix the inner envelopes together in the ballot box;
- (e) remove the inner envelopes from the ballot box;
- (f) remove the ballot from each inner envelope;
- (g) where fewer than fifteen votes are cast at the write-in ballot poll, combine the ballots with the ballots of another polling station in the same electoral district according to the instructions of the Chief Electoral Officer; and
- (h) count the vote at the poll in accordance with Sections 127 to 130.

(1B) A ballot that is not contained in an inner envelope must 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 must be placed and sealed in an inner envelope without being unfolded and that envelope must be mixed together with the other inner envelopes.

(1C) An inner envelope that is found in the ballot box other than within an outer envelope must be so marked and set aside and is deemed to be a rejected ballot.

(1D) A ballot found in the ballot box other than in a sealed outer envelope must be so marked and set aside and is deemed to be a rejected ballot.

(2) Subsection 107(3) of Chapter 5 is repealed and the following subsection substituted:

(3) Notwithstanding Section 130, a ballot must be set aside and is deemed to be a rejected ballot if the voter has on the ballot

- (a) printed or written the name of a person who is not a candidate;
- (b) printed, written or marked only the name of a registered party that did not sponsor a candidate; or
- (c) printed or written only the name of a political party that is not a registered party.

46 (1) Subsection 108(1) of Chapter 5 is amended by adding “elector’s” immediately after “an” the second time it appears in the third line.

(2) Subsection 108(2) of Chapter 5 is amended by adding “elector’s” immediately before “agent” in the first and in the second lines.

(3) Subsection 108(3) of Chapter 5 is amended by

(a) adding “elector’s” immediately before “agent” in the first and in the second lines; and

(b) striking out “sixteen” in clause (a) and substituting “eighteen”.

(4) Subsection 108(4) of Chapter 5 is amended by adding “elector’s” immediately after “an” in the first line.

47 Section 109 of Chapter 5 is amended by

(a) striking out “agents” in the third line and substituting “scrutineers”; and

(b) striking out “agent” in the second line of clause (b) and substituting “scrutineer”.

48 (1) Subsection 111(1) of Chapter 5 is amended by

(a) striking out “deputy returning officer” in the second line and substituting “election officer designated by the Chief Electoral Officer”;

(b) striking out “have” in the first line of clause (b) and substituting “request that”; and

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

(c) request identification proving the elector’s identity and residence as prescribed by the Chief Electoral Officer;

(ca) where the elector is unable to show identification as requested in clause (1)(c), have the elector attest to the elector’s name, address and eligibility to vote by signing the prescribed form;

(cb) where the elector is qualified to vote under Section 122, and subject to the elector providing the identification provided for in clause (1)(c) or attesting to the elector’s identity and eligibility as provided for in clause (1)(d), fold the ballot so that when folded the deputy returning officer’s initials can be seen without unfolding it;

(2) Subsection 111(2) of Chapter 5 is amended by

(a) striking out “candidate’s agent” in the first and second lines of clause (a) and substituting “scrutineer”; and

(b) striking out “candidate’s agent” in the first line of clause (b) and substituting “scrutineer”.

49 Subsection 113(1) of Chapter 5 is amended by striking out “the candidate’s agent” in the first and second lines and substituting “a scrutineer”.

50 Subsection 114(2) of Chapter 5 is amended by

- (a) striking out “or” at the end of clause (b);**
- (b) striking out the period at the end of clause (c) and substituting “; or”; and**
- (c) adding immediately after clause (c) the following clause:**
 - (d) take a photograph or copy of a marked ballot.**

51 (1) Subsection 115(1) of Chapter 5 is amended by striking out “a person accompanying the elector” in the last line and substituting “an elector’s agent”.

(2) Subsection 115(2) of Chapter 5 is amended by

- (a) striking out “A person other than an election officer” in the first line and substituting “An elector’s agent”; and**
- (b) striking out “person” in the second line and substituting “elector’s agent”.**

(3) Subsection 115(3) of Chapter 5 is amended by striking out the first two lines and substituting “The elector’s agent shall take an oath that he or she will”.

(4) Subsection 115(4) of Chapter 5 is amended by striking out “The person assisting” in the first line and substituting “The election officer or elector’s agent who is assisting”.

52 Clause 120(b) of Chapter 5 is amended by striking out “agent” in the second line and substituting “scrutineer”.

53 Section 122 of Chapter 5 is amended by

- (a) adding “, community continuous poll, advance poll” immediately after “poll” in the first line of clause (a); and**
- (b) striking out clause (b).**

54 Clause 125(b) of Chapter 5 is amended by striking out “the candidate’s agent” in the second line and substituting “a scrutineer”.

55 (1) Subsection 127(1) of Chapter 5 is repealed and the following subsection substituted:

- (1) Immediately after the close of the poll, the deputy returning officer assisted by the poll clerk shall count the vote in full view of the candidates and up to two scrutineers for each candidate or two electors representing each candidate, as may be present, or, where none of them are present, in the presence of at least two electors.**

(2) Subsection 127(3) of Chapter 5 is amended by striking out “candidate’s agent” in the first line and substituting “scrutineer”.

56 (1) Section 128 of Chapter 5 is amended by adding immediately after subsection (1) the following subsection:

(1A) Where fewer than fifteen votes are cast at the polling station, the deputy returning officer or presiding officer shall combine the ballots with the ballots of another polling station in the electoral district according to the instructions of the Chief Electoral Officer.

(2) Clause 128(2)(c) is amended by striking out “candidate’s agents,” in the second line and substituting “scrutineers”.

57 (1) Subsection 129(1) of Chapter 5 is repealed and the following subsection substituted:

(1) During the counting of the votes, a deputy returning officer or presiding officer shall decide whether the ballot should be rejected under Section 130 or counted and give each person present the opportunity to examine the ballot.

(2) Subsection 129(3) of Chapter 5 is amended by adding “where” immediately after the comma in the first line.

58 Subsection 130(2) of Chapter 5 is amended by striking out “candidate’s agent” in the first and second lines and substituting “scrutineer”.

59 Sections 132 and 133 of Chapter 5 are repealed and the following Section substituted:

132 At the direction of the Chief Electoral Officer, the returning officer shall establish an advance polling station in a convenient place that is accessible by an elector who has a physical disability.

60 Subsection 134(1) of Chapter 5 is repealed and the following subsection substituted:

(1) An advance polling station must be open on

(a) Saturday, the tenth day before election day, until and including Saturday, the third day before election day, excluding Sunday, commencing at the hour of nine o’clock in the morning and ending at six o’clock in the evening; and

(b) Thursday, the fifth day before election day, and Friday, the fourth day before election day, commencing at the hour of nine o’clock in the morning and ending at eight o’clock in the evening.

61 Subsection 135(1) of Chapter 5 is repealed.

62 Sections 136 and 137 of Chapter 5 are repealed and the following Section substituted:

136 The provisions of this Act respecting staffing, polling stations, voting procedure, the securing and sealing the ballot box, the counting of the vote on the ballots, the keeping of records and the access to information at the poll by a scrutineer apply to an advance poll in the same manner as the continuous poll in so far as they are applicable.

63 (1) Subsection 138(1) of Chapter 5 is amended by striking out “deputy returning” in the first line and substituting “presiding”.

(2) Subsection 138(2) of Chapter 5 is amended by striking out “deputy returning” in the second line and substituting “presiding”.

64 (1) Subsection 139(1) of Chapter 5 is amended by

(a) striking out “deputy returning” in the second line and substituting “presiding”; and

(b) striking out “form” in the third line and substituting “manner”.

(2) Subsections 139(2) and (3) of Chapter 5 are repealed and the following subsections substituted:

(2) At the close of an advance poll on the last day of the advance poll, the presiding officer, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present, or, where none of them are present, in the presence of at least two electors, shall

(a) open the ballot box and separate the ballots cast by electors who reside in the electoral district of the advance poll from the ballots cast by electors who reside in another electoral district;

(b) place the ballots of the electors who reside in the district of the advance poll in the ballot box and reseal the ballot box; and

(c) place the ballots of the electors who reside in another district in an envelope and deliver it to the returning officer who shall deliver the envelope to the place prescribed by the Chief Electoral Officer.

(3) At the close of the poll on election day, at the place where the advance poll was held or at the returning office for the electoral district, as determined by the returning officer, the presiding officer and deputy presiding officer shall count the vote on the ballots of the electors who reside in the electoral district of the advance poll in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present, or, where none of them are present, in the presence of at least two electors.

(3A) At the close of the poll on election day, at the place prescribed by the Chief Electoral Officer, a presiding officer and a deputy presiding officer shall count, in full view of representatives of registered parties and up to two

scrutineers for each independent candidate, as are present, or, where none of them are present, in the presence of at least two electors, the vote on the ballots of the electors who reside in another district of the advance poll according to the instructions of the Chief Electoral Officer.

(3B) A candidate, a scrutineer or an elector representing a candidate may object to the acceptance or the rejection of a ballot and the presiding officer shall record the objection in the poll record in the prescribed manner.

(3) Subsection 139(4) of Chapter 5 is amended by striking out “deputy returning” in the first line and substituting “presiding”.

(4) Subsection 139(5) of Chapter 5 is amended by

(a) striking out “In the manner prescribed” in the first line and substituting “As instructed”; and

(b) striking out “deputy returning” in the second line and substituting “presiding”.

65 Chapter 5 is further amended by adding immediately after Section 139 the following Sections:

139A The Chief Electoral Officer may direct a returning officer to conduct a community continuous poll at a specified location for any time and period from the twenty-seventh day before election day up to and including the third day before election day.

139B The provisions of this Act respecting staffing, polling stations, voting procedure, securing and sealing the ballot box, counting of the vote on the ballots, keeping of records and access to information at the poll by a scrutineer apply to a community continuous poll in the same manner as the continuous poll in so far as they are applicable.

66 Section 140 of Chapter 5 is repealed and the following Sections substituted:

140 (1) A returning office continuous poll must be established in the office of each returning officer according to the instructions of the Chief Electoral Officer.

(2) A returning office continuous poll must commence no later than the twenty-seventh day before election day and be conducted every day except Sunday during the hours the returning office is open to the public

(a) up to and including election day for electors who reside in the electoral district; and

(b) up to and including the third day before election day for electors who reside in another electoral district.

140A The provisions of this Act respecting staff, polling stations, voting procedure, securing and sealing the ballot box, counting of the vote on the ballots, keeping of records and access to information at the poll by a scrutineer apply to a returning

office continuous poll in the same manner as the continuous poll in so far as they are applicable.

140B The returning officer shall appoint one or more presiding officers and one or more deputy presiding officers to conduct the continuous poll.

140C When an elector requires assistance from the elector's agent to vote at the continuous poll, the elector may obtain assistance in voting in accordance with the requirements under Section 115.

67 Section 141 of Chapter 5 is amended by striking out the first three lines and substituting “On the first day of the continuous poll the presiding officer, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present, shall”.

68 (1) Subsection 142(1) of Chapter 5 is amended by

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

(b) striking out the period at the end of clause (b) and substituting a semi-colon; and

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

(c) request identification proving the elector's identity and residence as prescribed by the Chief Electoral Officer; and

(d) where the elector is unable to show identification as requested in clause (1)(c), have the elector attest to the elector's name, address and eligibility by signing the prescribed form.

(2) Subsection 142(2) of Chapter 5 is amended by striking out the first two lines and substituting “Where the elector is qualified to vote under Section 122 or 123, subject to the elector providing the identification provided for in clause (1)(c) or attesting to the elector's identity as provided for in clause (1)(d), the presiding officer shall”.

(3) Clause 142(3)(b) of Chapter 5 is amended by

(a) striking out “or” at the end of subclause (i);

(b) striking out the semicolon at the end of subclause (ii) and substituting “, or”; and

(c) adding the following subclause immediately after subclause (ii):

(iii) a cross, an “X”, a check mark, a line or other mark opposite the name of the candidate for whom or the name of the registered party for which the elector wishes to vote;

(4) Subsection 142(4) of Chapter 5 is amended by

(a) striking out “agents” in the second line and substituting “scrutineers”; and

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

(c) secure the ballot box, unused ballots, stubs, poll record and other voting materials as instructed by the Chief Electoral Officer until the opening of the continuous poll the next day.

(5) Subsection 142(5) is amended by striking out “agents” in the second line and substituting “scrutineers”.

69 Chapter 5 is further amended by adding immediately after Section 142 the following Section:

142A At the close of a continuous poll on the third day before election day, the presiding officer, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present, or, where none of them are present, in the presence of at least two electors, shall

(a) open the ballot box and separate the ballots cast by electors who reside in the electoral district of the poll from the ballots cast by electors who reside in another electoral district;

(b) place the ballots of the electors who reside in the electoral district of the advance poll in the ballot box and reseal the ballot box and initial the seals; and

(c) place the ballots of the electors who reside in another electoral district in an envelope and deliver it to the returning officer who shall deliver the envelope to the place prescribed by the Chief Electoral Officer.

70 (1) Subsection 143(1) of Chapter 5 is amended by

(a) striking out “agents” in the third line and substituting “scrutineers”; and

(b) striking out “is” in the last line and substituting “are”.

(2) Subsection 143(2) of Chapter 5 is amended by striking out “the write-in ballot poll” in the second and third lines and substituting “another polling station according to the instructions of the Chief Electoral Officer”.

(3) Subsection 143(4) of Chapter 5 is amended by

(a) striking out “agent” in the first line and substituting “scrutineer”; and

(b) striking out “or other elector” in the first and second lines and substituting “as may be”.

(4) Subsection 143(5) of Chapter 5 is amended by striking out “In the manner prescribed” in the first line and substituting “As instructed”.

(5) Subsection 143(9) of Chapter 5 is amended by striking out “an agent of a candidate or an elector” in the second line and substituting “a scrutineer or an elector representing a candidate”.

71 Section 144 of Chapter 5 is amended by striking out “deputy returning” in the second and third lines and substituting “designated election”.

72 Subsection 158(6) of Chapter 5 is amended by

(a) striking out the comma after “267” in the fourth line and substituting “and”; and

(b) striking out “and whether the candidate is entitled to a return of the deposit pursuant to Section 71”.

73 Subsection 145(2) of Chapter 5 is amended by

(a) striking out “election clerk” in the second line and substituting “assistant returning officer”;

(b) striking out “agents” in the second line and substituting “scrutineers”;

(c) striking out “is” in the third line and substituting “are”; and

(d) striking out “candidate’s agent” in the second line of clause (b) and substituting “scrutineer”.

74 Clause 146(1)(b) of Chapter 5 is amended by striking out “deputy returning” in the first line and substituting “designated election”.

75 Section 147 of Chapter 5 is amended by striking out “candidate’s agent” in the last line and substituting “scrutineer”.

76 Subsection 148(2) of Chapter 5 is amended by

(a) striking out “in the manner prescribed” in the first and second lines of clause (b) and substituting “as instructed by the Chief Electoral Officer”;

(b) adding “and” at the end of clause (b);

(c) striking out “; and” at the end of clause (c) and substituting a period; and

(d) striking out clause (d).

77 Subsection 159(2) of Chapter 5 is amended by

(a) striking out “election clerk” in the fourth and fifth lines and substituting “assistant returning officer”; and

(b) striking out “agents” in the fifth line and substituting “scrutineers”.

78 Subclause 160(b)(iii) of Chapter 5 is amended by striking out “and the printer’s affidavit referred to in subsection 87(4)” in the third and fourth lines.

79 Section 166 of Chapter 5, as amended by Chapter 17 of the Acts of 2013, is further amended by

(a) striking out the first four lines of clause (i) and substituting “(i) “election expenses” means all expenses incurred during the period commencing with the dissolution of the House of Assembly, or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, and the end of the day on election day for the purpose of promoting or opposing, directly or indirectly, the election of a candidate or the program or policy of a registered party or candidate, and includes”;

(b) striking out “and children” in the first line of clause (m) and substituting “, children and grandchildren”; and

(c) adding “, sole proprietorship” immediately after “partnership” in the first line of clause (p).

80 Subsection 169(1) of Chapter 5 is repealed and the following subsection substituted:

(1) Subject to subsection (2), an individual who is an elector may act as official agent for any one or more registered parties, electoral district associations or candidates.

81 Subsection 194(1) of Chapter 5 is amended by striking out “in the prescribed form” in the second line and substituting “submitted by the official agent of a registered party within thirty days after the meeting to form the electoral district association, in the prescribed form,”.

82 Subsection 196(2) of Chapter 5 is amended by adding “, except clause 194(1)(h)” immediately after “subsection 194(1)” in the last line.

83 Subsection 203(5) of Chapter 5 is amended by

(a) adding “and” at the end of clause (a);

(b) striking out “; and” at the end of clause (b) and substituting a period; and

(c) striking out clause (c).

84 (1) Subsection 215(2) of Chapter 5 is amended by

(a) adding “if” immediately after the comma in the third line; and

(b) adding “is more than fifty dollars, then that amount” immediately after “paid” in the last line.

(2) Section 215 of Chapter 5, as amended by Chapter 17 of the Acts of 2013, is further amended by adding immediately after subsection (7) the following subsections:

(8) An individual may guarantee a loan up to a maximum contribution of five thousand dollars less any contributions by that individual in that calendar year to a registered party, its electoral district associations or candidates.

(9) No organization may guarantee a loan.

85 (1) Section 227 of Chapter 5, as amended by Chapter 17 of the Acts of 2013, is further amended by adding immediately after subsection (1) the following subsection:

(1A) The report referred to in subsection (1) must be accompanied by copies of all receipts issued for the contributions received together with such invoices and other vouchers, or certified copies thereof, evidencing the expenditures of the electoral district association as the Chief Electoral Officer may require of that electoral district association from time to time.

(2) Subsection 227(4) of Chapter 5 is amended by striking out “five” in the last line and substituting “ten”.

86 (1) Subsection 229(1) of Chapter 5 is repealed and the following subsections substituted:

(1) Within eighty days after the day fixed for return of writ of election for a by-election or the writs of election for a general election, the official agent of a candidate shall electronically file with the Chief Electoral Officer a report of all expenses incurred or accrued during the campaign from the date of registration until the report is filed, in the prescribed form and signed and acknowledged by the candidate, together with

(a) all invoices, bank statements, receipts and other vouchers, or certified copies of them;

(b) a list of those documents; and

(c) an affidavit sworn by the official agent that verifies the report and states that no payment not permitted by this Act was made with the official agent’s knowledge and consent and that, to the best of the official agent’s knowledge and belief, every expense incurred is entered in the report.

(1A) Where the official agent provides the Chief Electoral Officer with a written request within eighty days after the day fixed for return of the writ, the Chief Electoral Officer may permit a non-electronic submission of the report.

(2) Subsection 229(3) of Chapter 5 is amended by striking out “The” in the first line and substituting “Where election expenses exceed five hundred dollars, the”.

(3) Subsection 229(5) of Chapter 5 is amended by

(a) adding “bank statements,” immediately after “report,” each time it appears in the first and in the last lines; and

(b) striking out “six months” in the second line and substituting “twelve months after election day”.

87 (1) Subsection 236(3) of Chapter 5, as amended by Chapter 17 of the Acts of 2013, is further amended by adding “(1)” immediately after “237A” in the first line.

(2) Section 236 of Chapter 5, as amended by Chapter 17 of the Acts of 2013, is further amended by adding immediately after subsection (7) the following subsection:

(7A) Notwithstanding subsection (7), the provision by an employer of a paid leave of absence or salary to an employee while the employee is a candidate is not a contribution, provided the candidate has been employed by the employer for at least six months and the amount paid to the employee is not increased in the six months prior to election day beyond the Consumer Price Index for the Province published by Statistics Canada using the annual 2010 index as the base.

88 Subsection 240(1) of Chapter 5 is amended by adding “equal to or” immediately before “exceed” in the fifth line.

89 Section 251 of Chapter 5 is amended by adding immediately after subsection (2) the following subsection:

(2A) Where an extension for submission of a candidate’s financial report published under subsection (2) has been requested and granted in accordance with subsection 229(2), the publication date is extended by one day per day of extension.

90 (1) Subsections 252(1) to (3) of Chapter 5 are repealed and the following subsections substituted:

(1) The Chief Electoral Officer shall prescribe the form for use as an official tax receipt to be issued, including electronically, by official agents for the purpose of the *Income Tax Act*.

(2) The Chief Electoral Officer shall cause to be printed a sufficient supply of tax receipt forms for the candidates, and as requested by the registered parties, and provide them

- (a) to the official agent of such a registered party; and
- (b) to returning officers to distribute to the official agent of each candidate.

(2) Subsection 252(6) is amended by striking out “(3)” in the third line and substituting “(2)”.

91 Section 261 of Chapter 5 is amended by adding immediately after subsection (3) the following subsection:

(3A) Notwithstanding subsection (3), a person may contribute, without remuneration, his or her personal services or the use of his or her vehicle, if the person does so freely and not as part of the person’s work in the service of an employer.

92 Subsection 268(2) of Chapter 5 is repealed and the following subsection substituted:

(2) Where an official agent of the candidate pays any invoices for election and non-election costs subsequent to the filing of the financial report, these payments

must be supported by approved invoices and vouchers for all charges when the final report is submitted pursuant to Section 232.

93 Section 271 of Chapter 5 is amended by adding immediately after subsection (2) the following subsection:

(3) Constituency office signage for a member of the House of Assembly that is in place on or before the issuance of the writ is exempt from election advertising rules.

94 Section 273 of Chapter 5 is repealed.

95 Subsection 278(1) of Chapter 5 is amended by striking out “immediately after having incurred” in the first line and substituting “within seven days of incurring”.

96 Clause 284(b) of Chapter 5 is amended by striking out “one year after the issuance of the writ” in the first line and substituting “six months after election day”.

97 Section 294 of Chapter 5 is amended by adding immediately after subsection (1) the following subsections:

(1A) Subject to subsection 295(2), the Chief Electoral Officer may issue a notice of non-compliance to notify a person whom the Chief Electoral Officer believes, on reasonable grounds, has committed, is about to commit or is likely to commit, an act or omission that would constitute an offence under this Act.

(1B) The issuance of a notice of non-compliance does not preclude the Chief Electoral Officer from taking any further action the Chief Electoral Officer determines is required to ensure compliance.

98 Section 299 of Chapter 5 is amended by

(a) adding “(2)” immediately before “The” in the first line; and

(b) adding immediately before subsection (2) as numbered by clause (a) the following subsection:

(1) The Chief Electoral Officer shall not publish by any means that the Chief Electoral Officer has issued a notice of non-compliance.

99 Section 301 of Chapter 5 is amended by

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

(b) adding the following subsection:

(2) Every person is guilty of an offence who takes a photograph with an electronic device of the person’s ballot.

100 Chapter 5 is further amended by adding immediately after Section 314 the following Section:

314A (1) An official agent who fails to file the report of election expenses required by Section 229 is guilty of an offence and liable on summary conviction to a fine of fifty dollars for each day that the person fails to file the report to a maximum of the greater of five hundred dollars and the amount of the expenses eligible for reimbursement.

(2) An official agent who fails to submit the report within twelve months of election day may not receive reimbursement for election expenses or audit fees.

101 Schedule B of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 30 of the Acts of 2002 and amended by Chapter 4 of the Acts of 2004, Chapter 32 of the Acts of 2007, Chapter 9 of the Acts of 2010 and Chapters 2, 44 and 45 of the Acts of 2011, is further amended by adding immediately after “Dangerous Goods Transportation Act” the following:

Elections Act

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

103 This Act comes into force on such day as the Governor in Council orders and declares by proclamation or on January 1, 2016, if not proclaimed in force before that day.
