



# **BILL NO. 225**

*Government Bill*

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*2nd Session, 63rd General Assembly  
Nova Scotia  
69 Elizabeth II, 2020*

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

CHAPTER 8  
ACTS OF 2020

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
MARCH 10, 2020**

The Honourable Mark Furey  
*Minister responsible for the Elections Act*

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*Halifax, Nova Scotia  
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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*, as amended by Chapter 17 of the Acts of 2015 and Chapter 7 of the Acts of 2016, is further amended by**

**(a) adding immediately after clause (c) the following clause:**

(ca) “candidate representative” means a candidate and

(i) up to two scrutineers for each candidate, or

(ii) up to two electors representing each candidate;

**(b) relettering clause (da) as (daa);**

**(c) adding immediately after clause (d) the following clause:**

(da) “day” means a calendar day;

**(d) striking out “supervising deputy returning officer” in the third and fourth lines of clause (k) and substituting “poll supervisor”;**

**(e) adding immediately after clause (s) the following clauses:**

(sa) “Internet ballot” means an image of a ballot on a screen of a personal computing device, including all the choices of candidates available to an elector and the spaces in which an elector marks a vote;

(sb) “Internet ballot box” means a computer database in the system where cast Internet ballots are put;

(sc) “Internet polling days” means any hours and dates fixed by the Chief Electoral Officer for Internet voting;

(sd) “Internet voting” means voting via the Internet;

**(f) adding immediately after clause (x) the following clauses:**

(xa) “personal computing device” means an electronic device that may access the Internet;

(xb) “personal identification number” means the personal identification number issued to

(i) an elector for Internet voting on Internet polling days, or

(ii) a systems elections officer;

**and**

**(g) adding immediately after clause (ae) the following clauses:**

(aea) “system” means the technology, including software, that

(i) records and stores the votes, and

(ii) counts the votes and stores the results of Internet voting after the close of polls on election day;

(aeb) “systems elections officer” means

- (i) a person who maintains, monitors or audits the system, and
- (ii) a person who has access to the system beyond the access necessary to vote by Internet voting;

**2 Section 6 of Chapter 5, as amended by Chapter 17 of the Acts of 2015 and Schedule A of Chapter 1 of the Acts of 2018, is further amended by**

**(a) striking out “or 118” in the last line of clause (a);**

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

(aa) “declined ballot” means a ballot marked “declined” under Section 118;

**and**

**(c) striking out the comma immediately after “107(3)” in the second line of clause (p) and substituting “or 108G(2),”.**

**3 Section 22 of Chapter 5 is amended by adding immediately after subsection (6) the following subsection:**

(6A) The Chief Electoral Officer shall appoint

- (a) an Internet voting returning officer responsible for the preparation and conduct of Internet voting and who must reside in the Province; and
- (b) a systems elections officer.

**4 Clause 30(1)(b) of Chapter 5 is amended by**

**(a) adding “, Internet polling days” immediately after “poll” in the fourth line; and**

**(b) striking out “every newspaper circulating in the Province in the case of a general election, and in each local newspaper circulating in the electoral district in the case of a by-election” in the fifth to last lines and substituting “a manner the Chief Electoral Officer considers appropriate”.**

**5 Clause 35(1)(b) of Chapter 5 is amended by adding “unless the Chief Electoral Officer considers including a greater number practicable” immediately after “division” in the last line.**

**6 Subsection 38(2) of Chapter 5, as enacted by Chapter 7 of the Acts of 2016, is amended by striking out “at a general election” in the first line and substituting “during a general election or by-election”.**

**7 (1) Subclause 42(2)(a)(iv) of Chapter 5 is repealed.**

**(2) Section 42 of Chapter 5 is further amended by adding immediately after subsection (2) the following subsection:**

(2A) Where an elector provides the elector's gender to a returning officer or the Chief Electoral Officer, the Register of Electors must include the elector's gender as provided by the elector.

**8 (1) Subsection 43(3) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by**

**(a) striking out "on line" in the second line of clause (a) and substituting "online"; and**

**(b) striking out "e-mail" in the third line of clause (c) and substituting "electronic mail".**

**(2) Subsection 43(3A) of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by striking out "on line" in the third line and substituting "online".**

**9 Subsection 52(3) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by adding "and, where the candidate is endorsed by a registered party, that party," immediately after "district" in the fourth line.**

**10 (1) Clause 55(2)(d) of Chapter 5 is repealed.**

**(2) Section 55 of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by adding immediately after subsection (2) the following subsection:**

(2A) The application under subsection (2) must provide an option to include the elector's gender.

**(3) Subsection 55(4) of Chapter 5 is amended by striking out ", orally" in the second line.**

**11 (1) Clause 57(1)(c) of Chapter 5 is amended by adding "and, where the candidate is endorsed by a registered party, that party" immediately after "district" in the first line.**

**(2) Clause 57(3)(c) of Chapter 5 is amended by adding "and, where the candidate is endorsed by a registered party, that party" immediately after "district" in the first line.**

**12 (1) Subsection 59(2) of Chapter 5 is amended by**

**(a) striking out "or added" in the second line and substituting ", added or revised"; and**

**(b) adding "such that each elector only appears on one final list of electors" immediately after "day" in the last line.**

**(2) Subsection 59(3) of Chapter 5 is amended by**

**(a) adding "independent" immediately after "each" in the second line; and**

(b) adding “in which the party nominated candidates” immediately after “districts” in the last line.

**13 Subsection 62(2) of Chapter 5 is amended by**

(a) adding “and registered parties” immediately after “Candidates” in the first line; and

(b) striking out “ten” in the last line and substituting “thirty”.

**14 Section 65 of Chapter 5 is amended by adding immediately after subsection (2) the following subsection:**

(3) The nomination documents referred to in subsection (1) must be signed, dated and submitted during the writ period.

**15 Chapter 5 is further amended by adding immediately after Section 72 the following Sections:**

72A (1) A candidate may withdraw at any time between the close of nominations and the close of polls on election day by delivering to the returning officer the prescribed notice of withdrawal signed by the candidate in the presence of a witness.

(2) Where a candidate withdraws after the close of nominations, and

(a) only one candidate remains, the returning officer shall close the election and declare the remaining candidate to be duly elected and shall make a return to the Chief Electoral Officer as provided by Section 77; or

(b) two or more candidates remain and the ballots have been printed, the returning officer shall

(i) where possible, cause every deputy returning officer to be notified forthwith of the withdrawal, and

(ii) cause notice of the withdrawal to be posted in a conspicuous place in every polling place in the electoral district,

and any ballots cast for a candidate who has so withdrawn are void and must be considered rejected ballots.

(3) Where clause (2)(b) applies, the returning officer shall determine whether ballots are to be reprinted without the inclusion of the candidate who has withdrawn.

72B (1) A registered party may withdraw its endorsement of a candidate by delivering written notice to the Chief Electoral Officer before five o'clock in the afternoon of the Saturday immediately before election day.

(2) Where a registered party withdraws its endorsement of a candidate under subsection (1), the candidate becomes an independent candidate unless the candidate withdraws as a candidate under subsection 72(1) or 72A(1).

(3) A registered party that withdraws its endorsement of a candidate under subsection (1) may endorse another candidate before the close of nominations.

(4) Where a registered party withdraws its endorsement of a candidate under subsection (1), the returning officer shall

(a) determine whether the ballots are to be reprinted and the candidates to be included on the reprinted ballots; and

(b) cause notice of the registered party's withdrawal of endorsement of a candidate and, where applicable, endorsement of another candidate to be posted in a conspicuous place in every polling place in the electoral district.

(5) Where a registered party withdraws its endorsement for a candidate under subsection (1) and does not endorse another candidate,

(a) ballots cast for a candidate who becomes independent do not count towards the party that previously endorsed the candidate;

(b) write-in ballots with the name of the registered party and without the name of the candidate are rejected; and

(c) ballots with the candidate's name and the registered party name are counted for the candidate.

(6) Where a registered party withdraws its endorsement for a candidate under subsection (1) and endorses another candidate,

(a) write-in ballots with the name of the registered party and without the name of a candidate are counted for the endorsed candidate;

(b) ballots with the previously endorsed candidate name and the registered party name are counted for the previously endorsed candidate; and

(c) ballots counted under clause (b) do not count towards the other candidate endorsed by the registered party that previously endorsed the candidate.

**16 Subsection 78(2) of Chapter 5 is repealed and the following subsection substituted:**

(2) Following the receipt of the notice of the grant of poll from the returning officers in an election or a by-election, the Chief Electoral Officer shall cause a consolidated notice of the grant of poll to be published in the prescribed form in a manner the Chief Electoral Officer considers appropriate.

**17 (1) Subsections 81(1) to (8) of Chapter 5 are repealed and the following subsection substituted:**

(1) The returning officer shall appoint a deputy returning officer for each polling station and an appropriate number of poll clerks for each polling location as soon as possible after the writ has been issued.

**(2) Subsection 81(10) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out "supervising deputy returning officer" in the third and fourth lines and substituting "poll supervisor".**

**(3) Subsection 81(11) of Chapter 5 is amended by striking out “supervising deputy returning officer” in the first line and substituting “poll supervisor”.**

**(4) Subsection 81(13) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out “supervising deputy returning officer” in the third line and substituting “poll supervisor”.**

**18 Section 82 of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by**

**(a) adding “Internet voting returning officer, systems elections officer” immediately after “officer” in the second line; and**

**(b) striking out “supervising deputy returning officer” in the second and third lines and substituting “poll supervisor”.**

**19 Section 84 of Chapter 5 is amended by**

**(a) striking out “clerk” in the second line and substituting “supervisor”; and**

**(b) striking out “and appoint a poll clerk in the prescribed form” in the second and third lines.**

**20 Section 85 of Chapter 5 is amended by striking out “supervising deputy returning officers” in the second line and substituting “poll supervisors”.**

**21 Chapter 5 is further amended by adding immediately after Section 88 the following Sections:**

**88A The form of an Internet ballot is as prescribed by the Chief Electoral Officer.**

**88B The form of an electronic ballot is as prescribed by the Chief Electoral Officer.**

**22 Subsection 99(1) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by adding “or the candidate’s spouse” immediately after “candidate” in the first line.**

**23 (1) Clause 101(6)(b) of Chapter 5 is amended by striking out “from lists provided pursuant to subsection 81(1)” in the third line.**

**(2) Subsections 101(7) to (13) of Chapter 5 are repealed.**

**24 (1) Subsection 105(1) of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by**

**(a) adding “and reject any outer envelope on which the identity of the voter cannot be determined” immediately after “application” in the second and third lines of clause (a);**

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

(c) **striking out the period at the end of clause (b) and substituting “, and the rejected envelopes in the envelope designated for rejections; and”;** and

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

(c) record the number of envelopes accepted and rejected.

**(2) Section 105 of Chapter 5 is further amended by adding immediately after subsection (1) the following subsection:**

(1A) A candidate representative present may object to the acceptance or rejection of an outer envelope, and the presiding officer shall record the objection in the poll record in the prescribed manner.

**25 (1) Subsection 106(2) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by**

(a) **striking out “the candidates, up to two agents per candidate or two electors representing each candidate and, where none are present, then in the presence of at least two electors” in the third to fifth lines and substituting “any candidate representative present”;**

(b) **adding “and” immediately after clause (a); and**

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

(b) remove the outer envelopes.

**(2) Subsection 106(3) of Chapter 5 is repealed and the following subsection substituted:**

(3) Where no candidate representatives are present, the election officers referred to in subsection (2) may only carry out their duties if both the presiding officer and the deputy presiding officer for the poll are present.

**26 (1) Subsection 107(1A) of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by striking out “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” in the fourth to eighth lines and substituting “any candidate representative present”.**

**(2) Section 107 of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by adding immediately after subsection (1A) the following subsection:**

(1AA) Where no candidate representatives are present, the election officers referred to in subsection (1A) may only carry out their duties if both the presiding officer and the deputy presiding officer for the poll are present.

**27 Chapter 5 is further amended by adding immediately after Section 108 the following heading and Sections:**

#### INTERNET VOTING

108A The Chief Electoral Officer may permit Internet voting on Internet polling days as prescribed by the Chief Electoral Officer.

108B No person shall vote by Internet voting unless

- (a) the person's name appears on the applicable list of electors;
- (b) the person's name is added to the applicable list of electors in accordance with this Act or the regulations; or
- (c) the person's name is added to the applicable list of electors by the person providing evidence, acceptable to the Chief Electoral Officer, that the person is
  - (i) a resident of the Province,
  - (ii) a member of the Canadian Armed Forces, as defined in Section 41, or such other person or class of persons as prescribed in the regulations, and
  - (iii) stationed outside the Province or will be so stationed during an election.

108C (1) An Internet voting returning officer shall establish at least one polling station for Internet voting for every election.

(2) Each polling station established under subsection (1) must be equipped with at least one personal computing device that is capable of casting an Internet ballot.

108D (1) In addition to establishing at least one polling station under subsection 108C(1), an Internet voting returning officer may establish one or more polling locations for Internet voting during Internet polling days.

(2) A polling location established under subsection (1) may be at such place and be open during such times as may be determined by the Internet voting returning officer.

(3) A polling location established under subsection (1) must be equipped with at least one device capable of casting an Internet ballot.

(4) A polling location established under subsection (1) is not a polling station within the meaning of this Act.

108E (1) A systems elections officer must have access to the system prior to the commencement of Internet voting and shall verify that the count for each candidate is zero prior to the commencement of Internet voting.

(2) Notwithstanding the day and time set for Internet voting, Internet voting must not commence until a systems elections officer has verified that the count for each candidate is zero under subsection (1).

108F A systems elections officer shall comply with any procedures and forms established by the Chief Electoral Officer.

108G (1) The system must put an Internet ballot cast by an elector in the Internet ballot box.

(2) The system must reject an Internet ballot when processing results if any of the criteria for rejecting a ballot under subsection 130(1) are met.

(3) The system must put rejected ballots in the Internet ballot box.

108H Where Internet voting closes before the close of the polls on election day, the system must

(a) record in the poll record each elector who has voted;

(b) generate a list of all electors who voted by Internet voting; and

(c) on the applicable lists of electors, cause a line to be drawn through the name of all electors who voted during Internet polling days.

108I An electronic copy of the records and lists recorded or generated under Section 108H must be delivered to the Internet voting returning officer within twenty-four hours of the close of Internet voting.

108J Where Internet voting closes at the close of the polls on election day, the system must generate a list of all electors who voted by Internet voting.

108K (1) At the close of polls on election day, the system must generate a count of Internet ballots in the ballot box that were cast for each candidate during Internet polling days.

(2) In counting the votes that were cast for each candidate during Internet polling days, the system must not count rejected ballots.

108L At the close of polls on election day, the system must count the number of rejected ballots that were cast during Internet polling days and deliver that count to the Internet voting returning officer.

108M (1) In the event of a recount, the system must regenerate the Internet voting election count and a printed copy of the regenerated count must be given to the Internet voting returning officer.

(2) Where the initial count and the regenerated count match, the regenerated count is the final count of the votes cast by Internet voting.

(3) Where the regenerated count and the initial count do not match, the Internet voting returning officer shall

(a) direct one final count to be regenerated by the system of the votes cast by Internet voting; and

(b) attend while the final count is being regenerated.

(4) Where a final count is regenerated under subsection (3), the regenerated final count is the final count of the votes cast by Internet voting.

108N (1) Where a recount by a judge is undertaken in accordance with Sections 149 to 157, the judge shall only consider the final count by the system, as determined under Section 108M, of the total number of votes that were cast by Internet voting for each candidate.

(2) The final count of the system, as determined under Section 108M, of the total number of votes cast by Internet voting for each candidate must be added to the judge's count of the number of votes for each candidate cast by non-Internet voting.

108O An election officer and a systems election officer shall maintain and aid in maintaining the secrecy of Internet voting.

108P (1) No person shall

(a) use another person's personal identification number to vote or access the system;

(b) take, seize or deprive an elector of the elector's personal identification number; or

(c) sell, gift, transfer, assign or purchase a personal identification number.

(2) No person shall

(a) interfere or attempt to interfere with an elector who is casting an Internet ballot;

(b) interfere or attempt to interfere with Internet voting; or

(c) attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

(3) No candidate, official agent or person acting on behalf or in support of a candidate shall provide a personal computing device for the purpose of casting an Internet ballot.

108Q (1) A person who violates Section 108P, permits a violation of Section 108P or makes a false statement in a declaration respecting any matter referred to in Section 108P is guilty of an offence and is liable, on summary conviction, to a fine of not less than five thousand dollars and not more than ten thousand dollars, to imprisonment for a term of not more than two years less a day or to both a fine and imprisonment.

(2) In determining a penalty under subsection (1), a judge shall consider

(a) the number of votes attempted to be interfered with;

(b) the number of votes interfered with; and

(c) any potential or actual interference with the outcome of an election.

**28 Section 118 of Chapter 5 is repealed and the following Section substituted:**

118 (1) Where an elector who received a ballot declines to vote, the deputy returning officer shall mark the ballot "declined" and follow the prescribed process.

(2) Where an elector who received a ballot declines to vote, the elector may not be given a further ballot.

**29 Section 125 of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out “supervising deputy returning officer” in the first and second lines and substituting “poll supervisor”**

**30 (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 a poll clerk shall count the vote in full view of every candidate representative present.

**(2) Subsection 127(3) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out “candidate, scrutineer or elector representing a candidate or other elector” in the first and second lines and substituting “candidate representative”.**

**(3) Section 127 of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by adding immediately after subsection (3) the following subsection:**

(3A) Where no candidate representatives are present, the election officers referred to in subsection (1) may only carry out their duties if both the election officers referred to in subsection (1) are present.

**31 (1) Subsection 128(1) of Chapter 5 is amended by adding immediately after clause (b) the following clause:**

(ba) count the number of declined ballots;

**(2) Subsection 128(2) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by**

**(a) adding “, the number of declined ballots” immediately after “ballots” the second time it appears in the third line of clause (a);**

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

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

**(d) adding immediately after clause (e) the following clause:**

(f) place the declined ballots in the appropriate envelope, write on it the number of declined ballots and seal it.

**32 Section 136 of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by striking out “on the ballots” in the third line.**

**33 (1) Subsection 139(2) of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by**

**(a) adding “unless the Chief Electoral Officer has authorized the use of electronic ballots under Section 141A,” immediately after “poll,” in the second line; and**

(b) striking out “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” in the second to sixth lines and substituting “any candidate representative present”.

**(2) Subsection 139(3) of Chapter 5 is repealed and the following subsection substituted:**

(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, or at the place prescribed by the Chief Electoral Officer, a minimum of two presiding officers, in full view of any candidate representative present, shall count the vote of the electors who voted at the advance poll

(a) where a paper ballot is used, in accordance with Sections 128 to 130; or

(b) where an electronic ballot is used by

(i) completing the transmittal of the vote,

(ii) printing a record of the transmittal of the vote in duplicate,

(iii) posting a copy of the record of the transmittal of the vote for any candidate representative present to inspect, and

(iv) completing the statement of poll.

**(3) Subsection 139(4) of Chapter 5 is repealed and the following subsection substituted:**

(4) Where no candidate representatives are present, the presiding officers referred to in subsections (2) and (3) may only carry out their duties if at least two presiding officers are present.

**34 Section 139B of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by striking out “on the ballots” in the third line.**

**35 Section 140A of Chapter 5 is repealed.**

**36 Section 140B of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by striking out “one or more presiding officers and one or more deputy presiding officers” in the first and second lines and substituting “a minimum of two presiding officers”.**

**37 Chapter 5 is further amended by adding immediately after Section 141 the following Section:**

141A (1) The Chief Electoral Officer may direct that a returning office continuous poll use electronic ballots instead of paper ballots.

(2) The Chief Electoral Officer shall inform all registered parties of a direction under subsection (1) in a manner deemed appropriate by the Chief Electoral Officer.

**38 (1) Subsection 142(2) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out clauses (a) to (e) and substituting the following clauses:**

- (a) where a paper ballot is used,
  - (i) initial the ballot,
  - (ii) fold the ballot so that when folded the presiding officer's initials can be seen without unfolding it,
  - (iii) deliver the ballot to the elector with instructions on the proper method for voting,
  - (iv) record in the poll record that the elector has voted, and
  - (v) direct the elector to return the ballot, when marked, folded as shown; or
- (b) where an electronic ballot is used,
  - (i) deliver the ballot envelope to the elector and provide instructions on completing the voting process, and
  - (ii) record in the poll record that the elector has voted.

**(2) Subsection 142(3) of Chapter 5 is repealed and the following subsections substituted:**

- (3) Where a paper ballot is used, an elector, on receiving a ballot, shall proceed into the voting compartment and
  - (a) use a pencil or pen to mark the ballot by printing or writing on it in the space provided
    - (i) the name of the candidate for whom the elector intends to vote, or
    - (ii) the name of the registered party that endorsed the candidate the elector wishes to have elected,
  - or both, or
    - (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; and
  - (b) return and hand the ballot to the presiding officer, who shall
    - (i) without unfolding it, ascertain that it is the same ballot delivered to the elector, and
    - (ii) where it is the same ballot, return the ballot to the elector to deposit in the ballot box or in full view of the elector and all others present deposit the ballot in the ballot box; and
  - (c) leave the polling station.
- (3A) Where an electronic ballot is used, an elector, on receiving a ballot envelope, shall proceed into the voting compartment and

- (a) scan the ballot envelope to retrieve the electronic ballot;
- (b) use the device provided to mark the electronic ballot by following the instructions provided and marking the elector's selection;
- (c) upon marking the elector's selection, confirm the selection, retrieve the elector's ballot receipt and then fold the ballot receipt and place it in the ballot envelope as instructed;
- (d) proceed to the presiding officer, who shall
  - (i) without unfolding it, confirm the ballot receipt is contained in the ballot envelope, and
  - (ii) where the ballot receipt is contained in the ballot envelope, seal the ballot envelope and return it to the elector to deposit in the ballot box or, in full view of the elector and all others present, deposit the ballot envelope in the ballot box; and
- (e) leave the polling station.

**(3) Clause 142(4)(c) of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by striking out “unused ballots, stubs,” in the first and second lines.**

**39 Section 142A of Chapter 5 is repealed and the following Section substituted:**

142A(1) At the close of a continuous poll on the third day before election day, unless the Chief Electoral Officer has authorized the use of electronic ballots under Section 141A, at least two presiding officers, in full view of any candidate representative present, 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 continuous poll in the ballot box, 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.

(2) Where no candidate representatives are present, the election officers referred to in subsection (1) may only carry out their duties if at least two of the presiding officers appointed for the poll under Section 140B are present.

**40 Chapter 5 is further amended by adding immediately after Section 142A the following Section:**

142B Where an elector who has been given a ballot declines to vote at a continuous poll, the presiding officer shall mark the ballot declined and follow the prescribed process for an elector who declines to vote, and the elector may not be given a further ballot.

**41 (1) Subsection 143(1) of Chapter 5 is repealed and the following subsection substituted:**

(1) At the close of polls on election day, a minimum of two presiding officers shall count the vote in full view of any candidate representative present.

**(2) Subsection 143(3) of Chapter 5 is repealed and the following subsections substituted:**

(3) The presiding officers referred to subsection (1) shall count the vote at the continuous poll

(a) where a paper ballot is used, in accordance with Sections 128 to 130; or

(b) where an electronic ballot is used, by

(i) completing the transmittal of the vote,

(ii) printing a record of the transmittal of the vote in duplicate,

(iii) posting a copy of the record for any candidate representative present to inspect, and

(iv) completing the statement of poll.

(3A) Where no candidate representatives are present, the presiding officers referred to in subsections (1) and (3) may only carry out their duties if at least two presiding officers are present.

**(3) Subsection 143(4) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out “candidate, scrutineer or elector representing a candidate, as may be present,” in the first and second lines and substituting “candidate representative present”.**

**(4) Subsection 143(5) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out “and” the first time it appears in the third line and substituting “, the ballot receipts,”.**

**42 Section 144 of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by adding “or ballot receipts” immediately after “ballots” in the second line.**

**43 (1) Subsection 145(2) of Chapter 5, as amended by Chapter 17 of the Acts of 2015, is further amended by striking out “, candidates, scrutineers and electors representing candidates who are present or, where none are present, then, in the presence of at least two electors” in the second to fourth lines and substituting “and any candidate representative present”.**

**(2) Section 145 is further amended by adding immediately after subsection (2) the following subsection:**

(3) Where no candidate representatives are present, the election officials referred to in subsection (2) may only carry out their duties if both the election officials referred to in subsection (2) are present.

**44 (1) Subsection 149(1) of Chapter 5 is amended by**

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

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

(aa) specifying on the application as the justification for the recount

(i) that a deputy returning officer improperly counted any ballot or improperly rejected any ballot or made an incorrect statement of the number of ballots cast for any candidate,

(ii) that the returning officer improperly tabulated the votes, or

(iii) such other grounds as may justify a recount;

(ab) providing the Chief Electoral Officer with a copy of the application; and

**(2) Section 149 of Chapter 5 is further amended by adding immediately after subsection (1) the following subsection:**

(1A) Where an application is made under subsection (1), the Chief Electoral Officer may submit a written response to the application to the judge for the judge’s consideration within twenty-four hours of notification of the application.

**(3) Subsection 149(2) of Chapter 5 is amended by striking out “Within” in the first line and substituting “Where the judge is satisfied that the application is reasonable, then within”.**

**(4) Section 149 of Chapter 5 is further amended by adding immediately after subsection (2) the following subsection:**

(2A) Where the judge is not satisfied that the application is reasonable, the judge shall dismiss the application.

**45 Clause 159(1)(a) of Chapter 5 is amended by adding “eighth, ninth or” immediately after “the” in the first line.**

**46 Section 166 of Chapter 5, as amended by Chapter 17 of the Acts of 2013, Chapter 17 of the Acts of 2015 and Chapter 7 of the Acts of 2016, is further amended by**

**(a) striking out “end of the day” in the first four lines of clause (i) and substituting “close of polls”;**

**(b) adding “or for other post-election costs related to official addition or a judicial recount” immediately after “purpose” in the last line of subclause (i)(iii);**

**(c) adding immediately after subclause (i)(iii) the following subclause:**

(iiia) family and accessibility expenses,

**(d) striking out subclause (i)(vii);**

**(e) adding immediately after clause (j) the following clause:**

(ja) “family and accessibility expenses” means reasonable expenses incurred during an election by a candidate as a result of the candidate’s candidacy in respect of

(i) childcare,

(ii) spousal care,

(iii) elder care,

(iv) the care of a person with a disability, as defined in the *Accessibility Act*, for whom a candidate normally provides care, and

(v) expenses incurred in relation to a disability, as defined in the *Accessibility Act*, of the candidate;

**and**

**(f) adding “to audit” immediately after “licensed” in the first line of clause (r).**

**47 Section 170 of Chapter 5 is amended by adding immediately after subsection (2) the following subsection:**

(2A) Where the official agent of a registered party, electoral district association or candidate is unable to perform the official agent’s duties, the Chief Electoral Officer may accept the signature of another executive of the registered party or of the electoral district association or of the candidate.

**48 Section 173 of Chapter 5 is amended by adding “licensed to audit” immediately after “accountant” in the first line.**

**49 Subsection 182(3) of Chapter 5 is repealed.**

**50 (1) Subsection 212(1) of Chapter 5 is amended by striking out “identified in the candidate’s registration, pursuant to clause 203(5)(c)” in the second and third lines.**

**(2) Section 212 of Chapter 5 is further amended by adding immediately after subsection (1) the following subsection:**

(1A) A separate account is not required under subsection (1) if a candidate’s financial activity is less than five hundred dollars.

**51 Section 214 of Chapter 5, as amended Chapter 17 of the Acts of 2013, is further amended by adding immediately after subsection (4A) the following subsection:**

(4B) Where a transfer is made under subsection (4A), the electoral district association shall issue an invoice to the candidate's campaign for the value of the advertising material transferred and the candidate's campaign shall pay the invoice.

**52 Subsection 216(5) of Chapter 5 is amended by striking out "organization," in the second line.**

**53 Subsection 223(2) of Chapter 5 is amended by striking out "The" in the first line and substituting "Where election expenses of the registered party exceed five hundred dollars, the".**

**54 Subsection 229(1) of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by adding immediately after clause (a) the following clauses:**

- (aa) a balance sheet;
- (ab) a statement of income and expense;
- (ac) a statement of any transfers made under Sections 213 and 214;
- (ad) a statement of loans, including any deemed contributions or guarantees made under Section 215;
- (ae) a statement of fundraising events held by or for the benefit of the candidate;
- (af) a disclosure statement including all matters that would be required in a disclosure statement made under Section 240;

**55 Subsection 253(4) of Chapter 5 is amended by striking out the first three lines and substituting "A tax receipt may be issued by the official agent of a registered candidate for a contribution received, including one in transit, from the time after the writ is issued and the individual is registered as a candidate to the close of poll on election day for".**

**56 Subsection 256(2) of Chapter 5 is amended by striking out "returning officer" in the second line and in the third line and substituting "Chief Electoral Officer" in each case.**

**57 Chapter 5 is further amended by adding immediately after Section 266 the following Section:**

266A The Chief Electoral Officer may, by directive,

- (a) prescribe certain expenses or categories of expenses as being or not being family and accessibility expenses;
- (b) establish maximum amounts that may be claimed by a candidate for family and accessibility expenses or maximum amounts that may be claimed for a particular category of family and accessibility expenses; and
- (c) establish guidelines for determining whether a family and accessibility expense incurred by a candidate is a reasonable expense incurred as a result of the candidate's candidacy.

**58** Subsection 299(1) of Chapter 5, as enacted by Chapter 17 of the Acts of 2015, is amended by striking out “shall not” in the first line and substituting “may”.

**59** Section 303 of Chapter 5 is amended by

(a) striking out “during the advance poll or election day poll” in the first and second lines;

(b) striking out “sixty metres of any entrance to” in the third line of clause (a) and substituting “or on the exterior surface of”;

(c) adding “where voting is taking place, without written permission of the Chief Electoral Officer” immediately after “located” in the last line of clause (a); and

(d) adding “during the advance poll or election day poll” immediately after “party” in the last line of clause (b).

**60** (1) Subsection 304(1) of Chapter 5, as amended by Chapter 7 of the Acts of 2016, is further amended by

(a) striking out “sixty metres within any entrance to” in the second line and substituting “or on the exterior surface of”; and

(b) adding “, without written permission of the Chief Electoral Officer” immediately after “party” in the last line.

(2) Subsection 304(2) of Chapter 5 is repealed.

**61** Chapter 5 is further amended by adding immediately after Section 314A the following Sections:

314B A candidate or registered party that fails to destroy the list of electors and report the destruction as required by subsection 62(2) within thirty days of the close of polls on election day may be subject to a penalty, to be imposed in the sole discretion of the Chief Electoral Officer, of fifty dollars for each day that the candidate or registered party fails to destroy the list and report the destruction to a maximum of one thousand five hundred dollars.

314C A registered party that

(a) fails to publish its annual financial statements as required by Section 222 within one hundred and twenty days after the end of a fiscal year; or

(b) fails to file a report of election expenses as required by Section 223 within one hundred and twenty days after the day fixed for return of the writ of election for a by-election or the writs of election for a general election,

may be subject to a penalty, to be imposed in the sole discretion of the Chief Electoral Officer, of fifty dollars for each day that the registered party fails to file the report to a maximum of one thousand five hundred dollars.

**62** Chapter 5 is further amended by adding immediately after Section 320 the following Section:

320A A third party that fails to file its election advertising report as required by Section 282 within four months after election day may be subject to a penalty, to be imposed in the sole discretion of the Chief Electoral Officer, of fifty dollars for each day that the third party fails to file the report, to a maximum of one thousand five hundred dollars.

**63 Chapter 5 is further amended by adding immediately after Section 323 the following Section:**

323A (1) Where a candidate is subject to a penalty under Section 314B and the penalty has not been paid, the penalty may be deducted from the candidate's reimbursement for election expenses or audit fees, in the sole discretion of the Chief Electoral Officer.

(2) Where a registered party is subject to a penalty under Section 314B or 314C and the penalty has not been paid, the penalty may be deducted from any reimbursement amount to be paid to the registered party under Section 191, in the sole discretion of the Chief Electoral Officer.

**64 Subsection 357(1) of Chapter 5 is amended by adding "or with the unanimous approval of a motion of the Election Commission" immediately after "Assembly" in the third line.**

**65 Clause 361(1)(a) of Chapter 5 is repealed and the following clauses substituted:**

- (a) defining or further defining any word or expression used in this Act;
- (aa) prescribing persons or classes of persons for the purpose of subclause 108B(c)(ii);

**66 Section 2 of Chapter 96 of the Revised Statutes, 1989, the *Controverted Elections Act*, is amended by adding immediately after clause (d) the following clause:**

- (da) "day" means a calendar day;

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

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