

Highlights of the new *Elections Act*

Independence and Accountability of Chief Electoral Officer

The Act makes the Chief Electoral Officer an independent Officer of the Legislature, and makes Elections Nova Scotia an office of the House of Assembly. These changes, modeled on the *Auditor General Act* and election law in other Canadian jurisdictions, ensures Elections Nova Scotia (ENS) operates independently.

The Act provides that the Chief Electoral Officer be appointed by the Governor in Council on the resolution of the House of Assembly carried by a majority of the voting members.

The Chief Electoral Officer (CEO) will be accountable to the House of Assembly. The Legislature will exercise oversight over the budget of Elections Nova Scotia, and the Chief Electoral Officer will present proposed strategic initiatives in an annual plan to the Legislature.

Improved Access to Voting Opportunities

The Act improves access to voting throughout most of the election period by creating a new type of poll called the continuous poll, and by improving access to mobile polls. The continuous poll will enable voters to vote at any time during office hours at returning offices up to the start of the Advance Poll. As well, mobile polls are now permitted in a broader category of residential centres.

The Act also allows the CEO to appoint advisory committees to work with ENS in finding solutions to unique challenges faced by persons with disabilities who wish to vote independently.

The new Act provides that a write-in ballot coordinator team may, in one trip, assist a person who wishes to vote by write-in ballot.

Disclosure of Voter Age Category

The Act allows the CEO to disclose the age category of each elector (age 18-24, 25-34, 35-44, 45-54, 55-64, 65-74, or 75 and over) and make this information available to recognized political parties and independent members. This will provide the parties with information that may be used to improve voter turnout..

Informing and Engaging New Voters and Youth

The Act provides the CEO with the authority to develop public communications and information programs, including curriculum materials, for new voters. The CEO may make materials available to school boards for distribution to students who have reached voting age or will soon do so. These materials may include information on the election process, the right to vote and how to have one's name added to the Register of Electors.

The Act also provides the authority for the CEO to employ 16 to 18 year olds in appropriate election officer positions. This will allow youth to experience the election process first-hand.

“Held Assets” of a Registered Political Party

The Act requires that any “held assets” of a registered party become the property of the Crown if a registered party does not divest itself of the assets by March 31, 2012. Held assets are defined as funds or assets held in trust for a registered party before July 11, 1991, and include income earned on those funds or assets.

Compliance and Enforcement

The Act strengthens the CEO's powers to investigate alleged breaches of the Act. Where the CEO determines it is appropriate to do so, the CEO may refer a matter to the Director of Public Prosecutions who will determine if a prosecution should proceed. The limitation period for the prosecution of an alleged offence has also been extended.

Merit based selection of Returning Officers

The Act provides for a merit based selection process for Returning Officers. Returning Officers will now be appointed by the Chief Electoral Officer. Returning Officers are key election officials, charged with supervising the conduct of the election in an electoral district.