

Candidate's Handbook
(non-financial)



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1 Candidate Overview

1.1 When does a candidate become a candidate under the *Elections Act*?

There are four distinct definitions for the term “**candidate**”.

A "**nomination candidate**" means a person who is campaigning to become a registered party's candidate for election in an electoral district.

A "**prospective candidate**" means a person who self-declares, or is declared by others with the individual's consent, to be a candidate, and is not covered in this handbook.

A "**registered candidate**" means a person who has been registered pursuant to Section 203 of the *Elections Act*. An individual shall apply to be registered under this Section at the earliest of:

- a) the date on which the official agent of the individual accepts a financial contribution;
- b) the date on which the official agent of the individual accepts a transfer of funds from a registered party or an electoral district association; or
- c) the date on which the official agent of the individual incurs an expense in anticipation of an election.

All registered candidates are required to complete and file an annual financial report with Elections Nova Scotia. The due date in a non-election year for this report is March 31st of the year immediately after the calendar to which the report refers.

A "**candidate**" means a person who has been officially nominated as a candidate pursuant to Section 67 and for the purpose of Part II (Electoral Finance) includes a person registered pursuant to this Act.

Many of you reading this handbook have recently successfully completed the nomination process for one of the registered parties in one of the province's 51 electoral districts and are now a “candidate”.

Or, you've decided to run for election in an electoral district as an independent and are now what the *Elections Act* refers to as a "prospective candidate". You are "a person who self-declares, or is declared by others with the individual's consent, to be a candidate" as described in Section 2(y). If you've self-declared you are running as an independent and all of the rules that follow will apply to you unless otherwise stated.

Up until this time you may have been a "**nomination candidate**" meaning "a person who is campaigning to become a registered party's "**candidate**" for election in an electoral district" as described in Section 2(v).

If the writ of election has **not** been issued, you must become a "registered candidate" before you can raise or spend money on your campaign. In fact, you can't present yourself as a candidate for a registered party until the Chief Electoral Officer provides notice that your registration application has been approved. To become a registered candidate you need:

- an official agent;
- a letter from the party leader or designate endorsing you as the party's candidate for that electoral district (without this letter you will be identified as an independent candidate by Elections Nova Scotia (ENS)); and
- to have your application approved by ENS to become a registered candidate.

The requirement to register can be found in Section 203 of the *Elections Act*. It was introduced to help ensure a level playing field for all candidates in the lead up to an election. Any funds raised before the writ is issued are similarly tracked so no individual may contribute more than their \$5,000 contribution limit per year to the party, all its Electoral District Associations (EDAs) and candidates combined.

The requirement for a letter from the party leader is to prevent a rogue candidate passing themselves off as a party's candidate and confusing the local electorate.

If you become a prospective candidate after the writ is issued, you are automatically registered when you are declared officially nominated by the returning officer as per Sections 63 to 74 of the Act. You will still need to complete your nomination form and have:

- an official agent;
- a letter from the party leader or their designate endorsing you as the party's candidate;
- \$200 deposit (cash, money order or certified cheque only);
- an auditor registered by Public Accountants Board of Nova Scotia (PABNS);
- the names and residential addresses of at least five electors in the electoral district you are representing who support your nomination; and
- a signed oath by each of them that they are eligible to vote in the electoral district.

For more detailed information on these requirements please download Form 105, Guide to Form 105, and the Official Agent's Handbook from the Elections Nova Scotia website www.electionsnovascotia.ca.

2 Administration of an Election

2.1 Returning Office: Your Key Point of Contact during an Election

Each of the 51 electoral districts in Nova Scotia has a returning office strategically located: within the district, co-habiting with another returning office, or in a neighbouring district for the duration of the election.

Each office has a core staff of five election officers. The manager in each office is the returning officer who was appointed by the Chief Electoral Officer through a merit-based competition. The returning officer is responsible for administering the election in your electoral district on behalf of the Chief Electoral Officer. The term of office of a returning officer typically continues for a 10-year period, starting after the electoral district boundaries are revised to reflect population shifts and growth.

Working with the returning officer is assistant returning officer, the principal assistant to the returning officer. Either the returning officer or the assistant returning officer will be in the office during its public hours (Monday through Saturday from 9:00am to 6:00pm). In the absence of the returning officer, the assistant returning officer has full authority to act as returning officer. If a returning officer is unable to carry out their duties, the Chief Electoral Officer may appoint the assistant returning officer as returning officer in an acting capacity for the duration of the election and thereafter, until a merit based competition can be held.

The third core staff member is a revision assistant who assists with the management of the election. This includes: making changes to the list of electors as a result of target enumeration or elector requests, adding the names of electors who registered during election day polls, and checking off the names of those who voted on the list of electors. Elections Nova Scotia uses this information to inform the registered parties and elected MLAs of who voted during the election and to maintain an accurate and current list of electors. This staff member is responsible for conducting the write-in-ballot poll and managing the Write-in Ballot Team, as well as assisting when required, the presiding officer and the deputy presiding officer (the fourth and fifth core staff

members) who conduct the returning office continuous poll for both in-district and out-of-district electors.

To hold these positions, the five core staff members must be qualified electors in the province. The returning officer has the additional requirement of residing in the district they manage.

Returning officers and their staff follow direction from the operations staff at Elections Nova Scotia's head office. Under the *Elections Act*, the Chief Electoral Officer has overall responsibility for the conduct of provincial elections within Nova Scotia.

The returning office will be your key point of contact during the course of an election for the following:

- filing your nomination form;
- receiving tax receipts and the election calendar;
- obtaining copies of the lists of electors in your electoral district at three points in time during the election;
- information about the different ways electors can vote during an election;
- daily information on who has voted at the continuous, write-in or advance polls;
- access to the documentation for electors added to the list during the election;
- locations for all polling stations;
- the polling division numbers at each polling location;
- informational pamphlets on the different ways to vote for door-to-door canvassing of electors;
- information pamphlets on the rights and responsibilities of your scrutineers when observing the voting process during continuous, advance and election day voting at the polls; and,
- attending the official count two days after election day.

3 Maps

ENS produces several map products in support of an election event. These map products include: Electoral District map; Poll Location Catchment map; Map Guide Book with Street & Poll Division Index.

The electoral district map identifies the geographic boundary of an electoral district and all polling division boundaries within the district. Other reference information available on the map include: streets, place names, water features, etc. This map is produced just prior to the issuance of the writ.

The Poll Location Catchment map identifies all election day polling locations and the polling divisions assigned to them. It contains all the same information as the electoral district map, however, poll divisions are colour coded to their associate election day polling location. This map product is generated and distributed only during an election event, once all poll locations have been confirmed by the returning officer.

The Map Guide Book with Street & Poll Division Index is an 8.5" x 11" booklet which contains one map of every poll division in an electoral district. This product also includes a section with a street key and poll division key.

As a nominated candidate you are entitled to receive one hard copy of the Electoral District map and Poll Location Catchment map of the electoral district in which you have chosen to be a candidate. Additional hard copies of the maps are available from ENS headquarters at a cost of \$20.40 plus tax per copy. Digital copies of the maps are available on the Elections Nova Scotia web site at

<http://electionsnovascotia.ca/content/maps-and-boundary-files>

4 List of Electors

4.1 Things you should know about the list of electors

The list of electors is created from the provincial register of electors and includes the names and addresses of people who have at some point in time, attested to their eligibility. The list is prepared in advance of the election and is used at each polling station to identify electors eligible to vote at that poll. In Nova Scotia, by law, ENS maintains a permanent Register of Electors from which the list of electors is drawn for each electoral event.

The Election Management System (EMS) is used to produce copies of lists of electors, to identify and record those who are entitled to vote and to ensure that they only vote once. The list of electors and the elector registration process serves to maintain the public's trust in the integrity of the voting process.

4.2 Permanent Register of Electors

The Register is a database of eligible electors in Nova Scotia that is constantly updated. The Register was established in 2005 after a final province-wide enumeration. The Register contains each elector's name and contact information including civic address, mailing address, date of birth, and some additional information for linking records from the public sector data sources.

Individual elector records are updated from various official sources, such as Nova Scotia's Vital Statistics records, Registry of Motor Vehicles, Elections Canada's National Register of Electors, and updates from municipal elections in Nova Scotia. The updating of elector records involves matching information from these sources to capture address changes, deaths, name changes, etc.

Your returning officer will offer you three different snapshots of the list during an election: a Preliminary, Revised and Official List of Electors. When you receive each copy, it will be the most current and complete list available at that time.

4.3 Preliminary List of Electors

Once you are officially nominated, you will be offered a copy of the certified Preliminary List of Electors no later than the day following the close of nominations. It may be available earlier depending on how much target enumeration is being done in the district and the number of revision transactions (including the additions and deletions of names) that the staff need to input before it is ready for distribution. Your returning officer will call your campaign official agent when the Preliminary List is available for pick up. Electors who have taken advantage of one of the early voting opportunities up to the date the list was certified will be crossed off the list as having voted.

4.4 Revised List of Electors

The Revised List of Electors is used in all advance polls. It includes all revisions that have been made to the Preliminary List and is certified at the end of voting on the day before the Advance Poll begins on the second Saturday before election day. All electors who have voted up to the certification of this list will be crossed off as having voted. Your returning officer will call your campaign office when the Revised List is available for pick up. This list is used at the Advance Poll to verify electors.

4.5 Official List of Electors

The Official List of Electors is an update of the Revised List of Electors that will be used in all polls on election day. It will include all electors who have been added during the advance poll and will identify those who have voted up to the close of the polls at 6:00pm on the Saturday before election day. It will also identify those who have opted to vote by write-in ballot but may not have returned their ballot as of yet. Your returning officer will call your campaign office when the Official List is available.

4.6 Final List of Electors

As the name suggests, once the election is over and all election day additions and revisions have been made to the Official List of Electors and all those who voted have been marked off, the Final List of Electors is produced. As a candidate, you are not entitled to a copy of this list. This list is used to compile the statistics reported in the "Statement of Votes and Statistics", one of the official reports by the CEO on the election, presented to the Members of the Legislative Assembly and released to the public.

The final list is also used to determine your eligible election expenses spending limit and the reimbursement amounts for your campaign.

4.7 Revision

Revision is the term used to identify the additions, deletions and changes to the lists of electors. Because all returning offices across the province will access our central database to make these changes, the list is referred to as a live list.

As an example, an elector who has recently moved from Sydney to Yarmouth arrives at the returning office in Yarmouth to vote at the Continuous Poll. The revision assistant moves this elector from their Sydney address to their current Yarmouth address and marks them as voted. This 'move' is done instantaneously and the elector's name will no longer appear at the Sydney address. The benefits of using a live list are obvious. It provides each returning office with the most current elector information and reduces the likelihood of an elector voting more than once. It also improves the accuracy of the lists offered to your campaign throughout the election.

You or your agents are welcome to observe the revision process. Electors who apply to be added to the list after any target enumeration is completed must either provide identification documents, which confirm their identity and residence, or make and sign a declaration in person. A list of acceptable identification documents can be obtained from the ENS website or your local returning office.

Before the release of the certified Preliminary List of Electors for each polling division, the returning officer may appoint enumerators to update the list if it is determined that the list for a particular polling division is significantly inaccurate.

Note: *If, during your canvassing, you or your agents find areas where electors are not on the list, please inform your returning officer. Should you become aware of individual electors who are not on the list, suggest that they contact the returning office to be added. It is important to know that electors who are not on the list can be added when they vote but they should be encouraged to have themselves added early to avoid line ups on election day. Before they cast their ballot they may either show acceptable identification, or, if they do not have identification, sign a declaration.*

4.8 Use of the List of Electors

Once your nomination has been accepted by the returning officer, you are entitled to receive copies of the list of electors as they become available. The returning officer must offer you an electronic copy of the certified Preliminary, Revised, and the Official Lists of Electors. You will also be asked if you want a hard copy of each list in advance. You will not automatically receive hard copies of these lists. When a list of electors is provided, you will have to read and sign a declaration that requires you and your agents to use the list for electoral purposes only and to collect and destroy all copies of the list within 10 days of election day.

4.9 Security and Privacy

Security breaches leading to a loss of personal information or to unauthorized access, use or disclosure, may be triggered by a problem in the information technology system or, more likely, by a simple error or human negligence. ENS is working to support policy with strong procedures: senior staff accountability, control of storage devices, limited access, authentication systems, staff training and a culture of privacy and security. We have taken precautions to ensure that the elector information in our database cannot be downloaded to USB storage devices. Any digital media with elector information that we release to candidates are both encrypted and password protected.

Once we pass an elector list file to you and your campaign staff have decrypted it with your personalized password, and saved the file to a personal computer or storage device, ENS loses the ability to control its use. For this reason, each list is seeded with fictitious elector information that will permit us to trace back to the candidate that received the list, any unauthorized use of personal elector information. It is your responsibility to educate the members of your campaign team about the importance of safeguarding elector files and being vigilant with their use.

5 Your Campaign Team and the Election Process

Although the Chief Electoral Officer and the returning officer for each electoral district have the primary responsibility for the administration of the election, the legislation provides for the participation of registered parties in the process. Also, by policy, the Chief Electoral Officer asks the returning officers to seek the input of the local EDA and candidate campaign representatives of each registered party on certain issues.

A good working relationship between returning officers and their local executive members of the registered parties and official agents is important in the electoral process, including in the following matters.

5.1 Establishing Polling Division Boundaries

Returning officers are responsible for assisting in the preparation of the polling division boundaries. They are asked by the Chief Electoral Officer to invite and meet with representatives of each registered party in their electoral districts in advance of an election to obtain their input on his or her proposed polling division boundaries. A priority when drawing these boundaries is to enable electors to vote in a convenient location on election day. The *Elections Act* states that the approximate number of electors in a polling division is 450. Some polling divisions may have less electors assigned to them if the returning officer believes the elector drive times to the poll would exceed the standard set by ENS. This consultation takes place well before an election is called. You may not have been the candidate at that time but your EDA executive would have been involved in the discussions of any changes to the polling division boundaries from the last election.

5.2 Polling Locations

Returning officers are responsible for securing polling locations. Depending on the population density of the area and availability of suitable sites with available parking, a polling location may have one to several polling divisions assigned to it. All polling locations must have level access and be wheelchair accessible. Some traditional polling stations may not be accessible therefore will not be used in the election unless there is no alternative site within a reasonable travelling distance for the local electors. If an inaccessible location is used, the returning officer will prepare a plan on how electors

with disabilities will be accommodated and the Chief Electoral Officer must review and approve the plan in advance. If you know of suitable facilities in the electoral district, please make the returning officer aware of them. ENS has a policy of not using private homes as polling locations unless there is absolutely nothing else available.

6 Lists of Potential Workers for the Positions of: Enumerator, Write-in Ballot Coordinator, Assistant Write-in Ballot Coordinator and all other Election Officer positions.

Registered parties that endorsed candidates who finished first and second in your electoral district in the last election will nominate potential election officers for many of the positions in the election. If your party finished first, you will be asked to provide names of electors to be considered for the positions of enumerator and the write-in ballot coordinator. If your party finished second in your district, you will be asked to provide names of electors to be considered for the positions of enumerator and the assistant write-in-ballot coordinator specifically.

Please note that parties that finished first or second no longer have the right to designate the deputy returning officer or poll clerk positions.

All names you provide will be considered by the returning officer for any of the election officer positions available depending on the skills they possess. Even if your party did not finish first or second, you may still be asked to provide names of electors willing to work in any capacity, because quite often a party is not able to provide enough names of suitable election officers for all polling divisions in the electoral district. Also, extra people are needed to be trained and on stand-by in case some appointed officers are unable to work due to unforeseen circumstances.

Please note that the names of enumerators must be provided immediately after the writ of election is issued because revision starts immediately after the returning office is open. Enumerators work in pairs, one from each of the parties that came first and second. This means if your party came first or second in the most recent election, your returning officer will approach your EDA executive for names as soon as the writ has been issued or before an anticipated election call.

The names of other potential election officers must be provided no later than 26 days before election day. If there are not enough names by that deadline, then the returning officer will look elsewhere to fill the positions.

The people you recommend to work in these designated positions must be qualified electors in the province. This means that they must be:

- 18 years of age by election day;
- resident in the Province for 6 months immediately preceding the date of the writ; and
- a Canadian citizen.

The people you recommend should be willing, able and qualified to work at the scheduled times as directed by the returning officer. They must also attend training at the times and locations specified by the returning officer.

We are grateful to party representatives who are able to find people to work during an election. Returning officers have many tasks to perform during an election, and the input of registered parties in recommending qualified election officers is of great assistance.

Returning Officers have the final say on which of the people who you recommend will be accepted for employment. With the changes of responsibilities of the positions, the returning officer also has the authority to assign a person to a position or to a location that they believe is best suited to the needs of the election first and the person second.

6.1 Election Workers must be Non-partisan

Once the person who is recommended to work during the election has been assigned position by Elections Nova Scotia, you must sever your connections with them. All election officers are required to be non-partisan and must be seen to be non-partisan while they are working. All the positions in a polling location have changed significantly from what you may have seen in the past. Your returning officer will train them on their duties and responsibilities. Your campaign team is welcome to sit in on any of the training sessions to get a better understanding of how electors are processed under the current model. Unlike those working as election officials during the event, they will not be paid to attend training. Please discuss your team members' participation in the training with the returning office in advance.

Please remember that election officers communicate with and report directly to the returning office staff while they are working. **Do not** ask deputy returning officers or poll

clerks to act on your behalf as scrutineers at the poll or to call you if they observe problems at the poll. **This is an offence.** Your campaign team may bring meals to your scrutineers during the day while they are working but, not to any of the election officers. Election officers will be directed by the returning officer to bring their own food and drink.

At the end of the day, once they have completed their duties and responsibilities under the *Elections Act*, their requirement for non-partisanship ends.

7 Advertising and Campaign Materials

7.1 Authorization

All advertising relating to an election, whether printed, broadcast, published or distributed, either electronically or in hard copy, which promotes or opposes any candidate or registered party including one that takes a position on an issue with which a registered party or candidate is associated shall bear the words “authorized by the official agent for [name of candidate or registered party]”. The official agent should review all materials of an advertising nature and confirm compliance with the *Elections Act* before those materials are distributed.

7.2 Signs

7.2.1 60 Meter Rule for Signage

It is an offence to have a sign placed in contravention of sections 303 and 304 of the *Elections Act*. Signs and posters, as well as clothing such as flags, ribbons, emblems, badges or other items identifying a candidate or party, cannot be placed within 60 meters of the entrance to a polling location.

This rule applies throughout the election. This means that you never be able to place a sign or poster within 60 meters of the entrance to a returning office, since there is always a poll being conducted there. The same goes for advance poll and election day poll locations. You will be asked to remove any signs that fall within this radius.

The returning officer does not have authority to remove signs on private property.

If you have questions on these sections, please contact your local returning officer, your party headquarters or Elections Nova Scotia.

7.2.2 Posting of Signs

The *Elections Act* allows a tenant or owner in a multiple-unit residence or a condominium residence to post election signs within their own premises. The size and type of poster may be subject to reasonable regulation by the landlord or condominium corporation. However, if the sign is within 60 meters of an entrance to a poll, the signs must be removed.

7.2.3 Signs in Public Places

The placement of signs is not a subject of the *Elections Act*, however may be subject to provincial and municipal laws and regulations. Bell Aliant Telecom and Nova Scotia Power do not permit the unauthorized installation of signs, banners, or posters on their poles. These attachments, as well as the associated means of fastening the signage to the pole, pose a safety hazard to all utility technicians who climb the poles. The Department of Transportation and Infrastructure Renewal (TIR) has policies which prohibit the placement of election advertising material on provincial road rights of way and utility poles (see Appendix B).

In general, signs may not be placed in the municipal right of way of a street and highway. The signs must be sufficiently removed from the traveled portion of the roadway so that they are not a traffic hazard, by obstructing visibility or causing distraction.

You should check with each municipal office where signs are intended to be posted about any policies or by-laws within their boundaries. It is up to your election campaign team to abide by any laws, regulations or policies affecting the placement of these signs.

7.2.4 Signage Complaints

It is important to recognize that the returning officer does not have enforcement capability under the *Elections Act*. The most common complaints in the past have been:

- signage or brochures that lack proper visible notice of authorization;
- campaign signs on road rights-of-way or placed too close to a polling location on election day;
- signs placed on or inside locked vehicles near a polling location;

- campaign literature in the elevators or hall ways of buildings with a poll on election day; and
- signs that are confusing to the elector.

The returning officer may contact the campaign concerned, to notify them about the sign in question, but it is not their responsibility to have the signs removed or to call the police.

7.3 Campaigning in Secured Multiple-unit Buildings

As a registered candidate, you and/or your representatives are entitled to gain access to secured multiple-unit buildings (with the exception of university and college residences discussed below) for the purpose of campaigning both during an election and in anticipation of a writ being issued. In Appendix A, you will find a copy of the letter to present to the building administration which, along with a copy of your letter of confirmation of registration from the Chief Electoral Officer, should provide access to campaign door-to-door. If you do not have a copy of the CEO letter, contact Elections Nova Scotia's head office and they will provide you with a copy. If you are having trouble gaining access to a building with these documents in hand, contact your returning officer or Elections Nova Scotia with the name and number of the building's administrator and we will intervene on your behalf.

Note: If there is a university or college campus in your electoral district and you plan to canvas the students who reside in the student residences either on campus or off campus, arrangements must be made in advance with the administrator of the building for a specific date, time and location to do so. As a rule, you will not be permitted to canvas door-to-door within the residence. Individual resident rooms are considered to be bedrooms not front doors to separate apartments and therefore, canvassing door to door would be an invasion of personal space.

8.0 Candidate Representatives

8.1 Official Agent of a Registered Candidate

All candidates must have an official agent (s.167 (c)). At a minimum, a candidate must have an official agent at the time they file their registration with ENS or nomination paper with the returning officer. An official agent can be appointed prior to the filing of the nomination paper through the registration process (s.203(5)(a)). In order to accept political contributions, a candidate **must first** be registered and have appointed an official agent since contributions may only be accepted by the official agent.

An official agent must be the age of majority (19 years of age), and an elector (s.169).

Please download the Handbook for Official Agents for an in depth review of the responsibilities of the candidate's official agent. The official agent is generally responsible for:

- all candidate's campaign finance obligations;
- signing certain documents in lieu of the candidate; and,
- receiving and accounting for the official receipts for campaign donations to the candidate.

Like the candidate, the official agent is permitted to enter all polling locations to observe the voting process once they make and sign a declaration of secrecy before the returning officer. This Official Agent's Poll Entry Certificate and Declaration of Secrecy must be shown to the poll supervisor, deputy returning officer, presiding officer or returning officer at each polling location in order to be admitted.

8.2 Scrutineers at the Polls

Each candidate is allowed to have two representatives per polling station at any given time. Note: this includes the scrutineer, an elector representing a candidate, the candidate and the official agent. If either or both the candidate and the official agent enters a poll where there are two scrutineers already present one or both of the scrutineers must leave the premises.

Each scrutineer appointed to a particular poll must have an appointment specifically for that polling location. Scrutineers must present their Appointment of Scrutineer to the poll supervisor, DRO or presiding officer and take the Declaration of Scrutineer or Elector Representing a Candidate in the Poll Supervisor's Binder at each polling location.

A scrutineer can leave and return to the polling location. If asked, the scrutineer must show their appointment on return, but need not take the Declaration of Agent again.

8.3 Responsibilities of the Scrutineers

You can download the brochure "The Role of the Scrutineer" from the ENS website at <http://electionsnovascotia.ca/about/brochures>. There is also a short video available outlining their rights and responsibilities at <http://electionsnovascotia.ca/candidates-and-parties/candidates>.

Scrutineers May:

- witness the setting up, opening and closing of the polling location;
- observe the voting process (from the scrutineers' table):
 - at the deputy returning officer's or presiding officer's table
 - at the poll clerk's or the deputy presiding officer's table;
- have access to the Electors Who Voted List to Parties report at the continuous and advance polls, and Voter Tracking Sheets on election day, to see who has voted;
- have access to the Daily Changes on the List of Electors report to Parties at the continuous and advance polls, and copies of Elector Registration Forms on election day, which identify additions and changes to the list of electors;
- challenge an elector, who must then take a Declaration of Qualification;
- observe the marking of a ballot, if the DRO is acting as the friend of an elector requiring assistance;
- observe the counting of the ballots, with the ability to raise an objection to the acceptance or rejection of a ballot and have the objection recorded;
- have a communication device in polls, on silent mode, and may text or email other campaign team members;
- may take a photograph of bingo cards at the scrutineers' table, and text or email them to campaign headquarters;
- sign the Statement of Poll and keep a copy of the Statement of Poll; and

- sign seals used to secure election materials.

Scrutineers May not:

- prevent an elector from voting;
- stop or disrupt the voting process;
- engage in partisan activity at the polling location;
- wear badges, pins, emblems, etc., identifying them as supporters of a particular candidate or party;
- use a communication device as a phone within the polling location;
- prevent a ballot from being counted if the deputy returning officer or presiding officer accepts it;
- approach electors entering or leaving the polling location; and
- re-enter a polling location once the doors have been closed and the count has started.

9.0 Opportunities to Vote

There have been significant advancements in providing early voting opportunities to Nova Scotia electors. The following is a summary of those opportunities. More details on each are available from your local returning officer, from the ENS web site or from Elections Nova Scotia head office. A brochure called "How and Where can I vote in a Provincial Election?" has been published for your reference.

9.1 Write-in Ballot

Voting by write-in ballot is the only opportunity to vote for an elector who cannot make it to a polling location in person. It also provides an opportunity for electors to vote who are out of the province during the election. It is different from voting at the continuous or advance or election day polls because:

- completed ballots are placed in security envelopes, and the procedure for verifying and counting ballots at the write-in ballot poll differs from the other voting opportunities.
- once a ballot has been issued to an elector, the elector is deemed to have voted even if the elector doesn't return the ballot; and
- electors can vote:
 - by mail or other form of delivery to the returning office;
 - by an elector's agent who will be able to pick up and deliver the write-in ballot; or
 - by write-in ballot team (WIB team) who will visit an elector at home by appointment only, and at pre-scheduled times in residential centres and hospitals.

9.1.2 Deadlines for Write-in Ballots

There are different deadlines that must be met when making an application:

- Day 10 - (the 10th day before election day) is the deadline for the presiding officer to receive an application from an elector (by mail, email or fax) if the ballot is to be mailed to the elector. This allows enough time for the ballot to be returned by 8:00 pm on election day

- Day 3 - (the last day of the advance poll) is the “out-of-district” deadline to apply and vote by elector’s agent or by WIB team
- Day 0 - 3:00 pm (election day) is the “in-district” deadline:
 - to apply by elector’s agent
 - to apply and vote by WIB team

Note: *the deadlines for making an application are different for an “in-district” elector and an “out-of- district” elector. This is because of the time required to deliver the ballot to ENS headquarters in time for the ballot to be counted after the polls close on election day.*

Candidates are welcome to have scrutineers present to observe the voting process under this initiative.

9.2 Continuous Poll

The continuous poll takes place in the returning office and begins no later than the 5th day after the writ and closes at 8:00 pm on election day. This poll provides an opportunity for electors to vote from the time the returning office opens up during the hours the returning office is open to the public.

Before the close of nomination, the ballots used at the continuous poll are identical to those used for the write-in ballot poll. The elector either marks the registered party or writes the name of the candidate or registered party of their choice in the space provided on the ballot. Marking the name of the registered party allows an elector to vote before nominations close. The day after the close of nominations, ballots will be generated at the poll with the names of the nominated candidates for the electoral district where the elector resides.

You will be invited to have observers present for the emptying of the continuous poll ballot box whenever it reaches its capacity (450 ballots cast). The ballots will be transferred from the plastic ballot box to a cardboard ballot box which is sealed, signed and stored securely until the count after the polls close on election day.

The presiding officer of the continuous poll is responsible for the count of the continuous poll ballots on election day. If there is more than one ballot box to be counted additional presiding officers and deputy presiding officers must be appointed to count those ballots.

At the close of the polls on election day the presiding officer(s) and deputy presiding officer(s) will count the ballots from the continuous poll. Candidates may have scrutineers present to witness the count. If there are no scrutineers present, the returning officer will assign (and pay) two members of the public to witness the count.

Candidates are welcome to have scrutineers attend to observe the voting process under this initiative.

9.3 Out-of-District Voting

There are several distinctions worth noting:

- a. Any eligible elector can vote in any returning office or at any continuous or advance poll in the province for the party or candidate of their choice running in their home electoral district.
- b. Before the close of nominations, the write in ballot will be used. The day after the close of nominations, a ballot with the names of the nominated candidates in the district where the elector resides will be used at the continuous and advance polls.
- c. An out-of-district elector may vote at the write-in ballot poll by mail, agent or WIB team up until the close of poll on Day 3 (the last day of the advance poll).
- d. You will be invited to have observers present for the emptying of the continuous poll, advance poll and write-in ballot poll ballot boxes on two occasions (Day 10 and Day 3 on the election calendar) when the out-of-district ballot envelopes are sorted and placed in courier packages to be delivered to ENS headquarters for counting on election night after the polls close and whenever the plastic ballot box reaches its capacity. In this case, the ballot envelopes will be transferred to a cardboard ballot box which is sealed, signed and stored securely until the sorting of ballots on Day 10 or Day 3 on the election calendar when the out-of-district ballots will be sent to ENS headquarters for counting.
- e. Electors who vote out-of-district are struck off the list of electors in real time and appear as having voted on the list of electors in their home electoral district.

Candidates are welcome to have scrutineers present to observe the voting process under this initiative.

9.4 Other Outreach and Early Voting Opportunities

ENS has undertaken a number of outreach programs to make the registration and voting process more accessible to all Nova Scotia electors by removing obstacles. This has culminated in programs for targeting four groups.

9.4.1 Campus Polls

At the discretion of the Chief Electoral Officer, continuous polls for both in-district and out-of-district voting will be set up at various university and community college campuses across Nova Scotia for students registered at the university and others (e.g., faculty, administration) who are qualified to vote. These polls will be held prior to the start of the advance polls and will take place over two to five days depending on the number of students attending the university or community college.

If you have a post-secondary institution located in your district, check with the returning officer for whether and when the polls will be offered.

Candidates are welcome to have scrutineers present to observe the voting process under this initiative.

9.4.2 Community Polls

At the discretion of the Chief Electoral Officer, a community poll may be established in electoral districts where a significant number of electors must travel more than 30 minutes to reach a returning office or an advance poll during the writ period. This poll is a continuous poll for electors residing in the electoral district, as well as those electors residing outside of the electoral district. This poll will be held for a set number of days and be open the same hours as the returning office is open to the public. Check with the returning officer to determine whether and when a community poll will be offered in your district.

Candidates are welcome to have scrutineers present to observe the voting process under this initiative.

9.4.3 Aboriginal Outreach

The overall objective of this program is to facilitate aboriginal participation in the electoral process.

Voter turnout on reserves historically has been low for provincial elections. This may be due to a number of issues including lack of information regarding registration and the voting options available. These issues will be addressed through an outreach program for aboriginal electors that will promote the options they have for registering and voting and by locating polls on reserves.

Returning officers and enumerators will work with aboriginal leaders to review the voters list and plan additional enumeration where it would be useful.

Where there are more than 100 eligible electors on the reserve, the returning officer will establish a polling station on the reserve. If there are more than 450 eligible electors on the reserve, the returning officer may choose to have more than one poll on the reserve, or split an existing poll, per Elections Nova Scotia protocol. If there are less than 100 eligible electors, the returning officer may consider using a community poll sometime prior to the election date and discuss that option with reserve community administrators in advance.

9.4.4 Electors in Hospitals

During an election period, electors unexpectedly admitted to hospital may find themselves unable to vote at any polling location. Therefore, ENS has developed a procedure to allow hospitalized electors in an acute care facility to vote before election day.

Once an election is called, each returning officer who has a hospital within their electoral district will meet with hospital administrators to discuss arrangements to facilitate voting within their facilities. Each returning officer is responsible for ensuring that all acute care patients in hospitals in their electoral district are given the opportunity to vote. The returning officer will designate one Hospital Write-in Ballot Team for every group of 100 acute care beds.

It is difficult to estimate the number of electors who will vote while hospitalized. Some may have voted in advance at the returning office, and some will be discharged and able to vote at the advance poll or on election day.

9.5 Write-in Ballot Teams

These teams of two consist of a Write-in Ballot Coordinator and an Assistant Write-in Ballot Coordinator appointed by the returning officer. The candidates of the parties that came first and second in the district in the last provincial election provide the names for these positions at the request of the returning officer. Both the coordinator and the assistant coordinator must possess a current Canadian Police Information Centre (CPIC) criminal records check.

These teams are an important element of the ENS outreach initiatives. They take the voting process to the homes of electors requiring assistance or who can't otherwise reasonably get to one of the polls offered, to hospitals or to special care homes with fewer than 10 residents. Unlike agents who can only assist one elector to vote, these teams can assist any number of electors to vote throughout the writ period. A media campaign will encourage those who can't make it to the polls to contact the returning office for in-home assistance.

If during your door-to-door canvassing you encounter electors who would like to vote but likely won't be able to get to a poll, have them contact the returning office for assistance.

Due to privacy concerns with the team visiting electors in their homes, candidates cannot have scrutineers present to observe the voting process under this initiative. Since both members of the team must be present at all times during the voting process and each are chosen from the parties that came first and second in the last provincial election, the integrity of the voting process is maintained at all times.

9.6 Mobile Polls

Mobile polls are assigned to all residential centers with 10 or more electors. A residential center is defined in the Act as:

“...a nursing home, special care home, assisted living facility, residential unit in a public hospital or any other residential facility operated for the purpose of the care and treatment of senior citizens or persons having a physical or mental disability.”

Each location will have been enumerated in advance of election day. New eligible residents will be added to the list on election day. The administrators of these facilities are notified in advance when to expect the election officers to arrive. Each mobile polling station is staffed by a deputy returning officer and a poll clerk. The duration of a mobile poll at a location is at least 2 hours. The ballot box may be taken from room-to-room (if there are bedridden patients at the location).

Candidates are welcome to have scrutineers present to observe the voting process under this initiative and to be present to witness the count after the closing of the polls on election day. The election officers managing these polls may have several locations to visit throughout the day. You can find out from your local returning officer how many mobile polls will be offered and at what times of the day on election day.

9.7 Advance Polls

Advance polls are held from 9:00am till 6:00pm from the second Saturday before election day to the Saturday before election day. The polls are not open on Sunday and will remain open to 8:00 pm on the Thursday and Friday. Electors may vote at any advance poll location in the province. There are several ways an elector can find out their advance poll location:

- their Voter Information Card received in the mail will provide the nearest three Advance Poll locations;
- in print media advertisements;
- by calling their returning office;
- by calling the Elections Nova Scotia toll-free number; or
- by visiting the ENS web site and using the “where do I vote?” service.

Candidates are welcome to have scrutineers present to observe the voting process at advance polls. Scrutineers that arrive 15 minutes before the polls open on both days may observe the assembly of the ballot box and may sign the seals on the ballot box.

As well, the Electors Who Voted List to Parties report will be provided for each candidate. Upon displaying their credentials to the election officers, this report will also be provided to any scrutineer at the poll that requests it. In this poll, electors use the traditional-style ballot to vote, placing a check mark or an x beside the name of the candidate of their choice. You will be invited to have scrutineers present to witness the count after closing of the polls on election day.

9.8 Election Day Polls

Election day polls are held from 8:00 am till 8:00 pm.

On election day electors may only vote at the location assigned to them. There are several ways an elector can find out their election day poll location:

- on their Voter Information Card received in the mail;
- by calling their returning office;
- by calling the Elections Nova Scotia toll-free number; or
- visiting the ENS web site and using the “where do I vote?” service.

Candidates are welcome to have scrutineers present to observe the voting process and to be present to witness the count after the closing of the polls. Scrutineers arriving 15 minutes before the polls open may observe the assembly of the ballot box and may sign the seals on the ballot box.

Voter Tracking Sheets will be provided each hour for each candidate. Upon displaying their credentials to the election officers, your agent will be free to take your tracking sheet(s) from the poll.

In this poll, electors use the traditional-style ballot to vote, placing a check mark or an x beside the name of the candidate of their choice.

10 Election Night

Candidates are welcome to have representatives present to witness the count after the close of polls on election day night (8:00 PM).

Ballots from all other voting opportunities held during the election period are counted at this same time. These counts are usually done at the returning office, or, in the case of advance polls, most likely at the location where the advance polls were held. Two election officers are responsible for the count of each ballot box and two witnesses must observe the process. In addition, each candidate is permitted to have two representatives present.

11 Official Addition of Ballots

The official addition of the ballots verifies the number of votes cast for each candidate at each polling station. The count that is done on election night and reported is known as the unofficial result. It is not uncommon for small changes to occur in the count between what is reported on election night and the count determined at the official addition. The official addition of the votes is conducted at the returning office by the returning officer at 10:00 AM on Thursday, the 2nd day after election day.

At the official addition, the returning officer examines and adds the counts that are recorded on the Statements of Poll received from the deputy returning officer, presiding officer or poll supervisor for each polling station on election night. If the statement of poll for a polling station is not available, there are procedures in the *Elections Act*, which can be followed to determine the official result. As soon as the official poll-by-poll results are determined, the numbers are entered into the Statement of Official Results, which is signed by the returning officer. The Statement of Official Results represents the official results of the election in the electoral district. Each candidate will receive a copy of the Statement of Official Results.

12 Automatic Recount

Once the Statement of Official Results is signed by the returning officer, the returning officer will apply for a recount if there are fewer than 10 votes between the first and second place finishers on the ballot.

13 Judicial Recount

If there isn't an automatic recount, it is up to the candidate and his/her campaign team to determine if they believe there are grounds to petition the Supreme Court for a judicial recount. Form 110, Petition for Recount, can be used for this purpose. The petition must be filed within 4 days after the recapitulation sheet is completed and be accompanied by a \$100 security deposit.

14 Recount by Chief Electoral Officer

If the official addition results in the candidate receiving less than 10% of the valid votes cast, the candidate or their official agent may make a request, in writing to the chief electoral officer, that a recount be conducted of all of the votes cast in the electoral district for the purpose of verifying whether the candidate received the required percentage of the valid votes cast in order to be eligible for reimbursement of election expenses.

15 Return of the Writ

The last step in the election process requires the returning officer to “return the writ.” The returning officer returns the writ by entering the official addition of the votes on the writ of election that was issued at the beginning of the election process declaring the winning candidate. The writ is returned 10 days after the election if there is no judicial recount in the electoral district. In the event of a judicial recount, the writ is returned as soon as the recapitulation sheet is received from the presiding Justice. The writ is returned to the chief electoral officer. Writs must be presented to the House of Assembly prior to the swearing in of the new members after the election.

16 Controverted Election

If the candidate is of the view that there are sufficient irregularities in the vote that a petition to controvert the election is warranted, the procedures in the *Controverted Elections Act* must be followed. The challenge starts with a petition to the Supreme Court, which must be filed within 5 weeks from the time that the writ is returned by the returning officer. A security deposit of \$400 must accompany the petition. If the petition to controvert the election is successful, the election is declared void by the court and there must be a by-election in the electoral district to fill the seat.

17 Commonly Used Acronyms

- ENS Elections Nova Scotia
 - CEO Chief Electoral Officer
 - ACEO Assistant Chief Electoral Officer
-
- A/P Accounts Payable
 - AVP Advance Poll Districts
 - AWIBC Assistant write-in ballot coordinator
 - CBRM Cape Breton Regional Municipality
 - CPP Canada Pension Plan
 - CRA Canada Revenue Agency
 - DPO/RA Deputy Presiding Officer/Revision Assistant
 - DRO Deputy Returning Officer
 - EBC Electoral Boundaries Commission
 - EBT Electoral Boundary Tool
 - ED Electoral District
 - EDH Election Day Handbook
 - EI Employment Insurance
 - EMS Election Management System

- FOIPOP Freedom of Information and Protection of Privacy
- GIS Geographical Information System
- HRM Halifax Regional Municipality
- IT Information Technology
- LMS Learning Management System
- PC Poll Clerk
- PO Presiding Officer
- RO Returning Officer
- ROE Record of Employment
- SAP software – for processing accounts payable
- SLT Senior Leadership Team
- WIB Write-in ballot
- WIBC Write-in ballot coordinator

18 Contacting Elections Nova Scotia

To request documents or to make general enquiries, please contact:

Elections Nova Scotia

7037 Mumford Road, Suite 6

P.O. Box 2246 Halifax, Nova Scotia B3J 3C8

Telephone and Fax

Business: 902.424.8584

Toll Free 1.800.565.1504

Fax: 902.424.6622

E-mail: elections@novascotia.ca

Website: www.electionsnovascotia.ca

Appendix A

Street Address 7037 Mumford Road | Suite 6 | Halifax | NS | B3L 2J1
Mailing Address PO Box 2246 | Halifax | NS | B3J 3C8

Phone (902) 424-8584 | Toll free in NS 1-800-565-1504
TTY for the hearing impaired (902) 424-7475

Fax (902) 424-6622

Email elections@gov.ns.ca

■ www.electionsnovascotia.ns.ca

May, 2015

NOTICE

Section 308 of the Nova Scotia *Elections Act* (the “Act”) states:

308 Every person is guilty of an offence who obstructs a candidate or a candidate’s representative in lawfully campaigning. 2011, c. 5, s. 308.

This provision in the Act supports the right of Registered Candidates to have access to apartment buildings, condominiums and other multiple resident dwellings for campaigning purposes whether or not an election has been called.

This letter has been prepared by Elections Nova Scotia to inform you of the right of a registered candidate or an agent of a registered candidate to have access and of your obligations under the Act.

The candidate or agent will also have been provided a letter from the Chief Electoral Officer confirming their registration with Elections Nova Scotia. This letter should be used in association with this Notice to evidence eligibility to gain access to apartment buildings, condominiums and other multiple resident dwelling buildings.

Richard P. Temporale
Chief Electoral Officer

Appendix B

Placement of Election Signs near Provincial Highways

Purpose

The Department of Transportation and Infrastructure Renewal (TIR) will allow the placement of election related signage near provincial highways. This procedure outlines the constraints that apply when erecting the signs, and the enforcement process which TIR staff follow to ensure adherence to this procedure.

Procedure(s)

1 Controlled Access Highways

Election signs are not permitted within 1000 metres of the centre line of a controlled access highway, or within 60 metres of the end of ramps or controlled access connectors onto connector/non-controlled access highways.

2 Non-Controlled Access Highways (most Provincial roads)

The following constraints apply:

- 2.1 Signs must not cause a hazard by obstructing sight distance at intersections, parking lots, driveways and to posted TIR signs.
- 2.2 Signs must be behind the ditch line, or a minimum of three (3) metres behind the curb.
- 2.3 Signs are not permitted to be attached to TIR signs, guard rail posts or guide posts.
- 2.4 Sign erectors should have approval of the adjacent property owner.

3 Enforcement by TIR staff

- 3.1 If a large sign (1.2 x 1.2 metres or larger) is found to be in violation of policy, contact will be made with the candidate's office to advise that the sign is in violation and has to be removed.
- 3.2 For signs 1.2 x 1.2 metres or larger, the candidate's office will be advised that if the sign is not relocated within 24 hours TIR staff will remove the sign. The sign will be taken down with as little damage as possible and stored at the local TIR Base for retrieval by the appropriate person.
- 3.3 For signs smaller than 1.2 x 1.2 metres, the candidate's office will not be contacted. The sign will be removed and stored at the TIR Base until the end of the election period or the appropriate person contacts the Base in regard to collecting signs which may have been taken down.
- 3.4 Signs must be removed within the time stipulated by Municipal by- laws, or no later than seven (7) days following the election.

Accountability

Operations Supervisors, Area Managers and District Directors are responsible for ensuring that this procedure is adhered to.

Monitoring

Maintenance and Operations staff, in conjunction with field staff, will periodically audit this procedure's effectiveness and make modifications as required.

References

None

Disclaimer:

The views expressed in this information sheet are not law and are not intended to replace the official text of the *Election Act*. How the Act applies to any particular case will depend on the individual circumstances of that case. Elections Nova Scotia reserves the right to reconsider any interpretations expressed in information sheets, either generally or in light of the actual circumstances of any case, and in accordance with continuing legislative and judicial developments.