

2013

**Report on the Conduct
of the October 8, 2013
Provincial General Election
and Recommendations
for Legislative Change**

Volume II



**ELECTIONS
NOVA SCOTIA**

**39th Provincial General Election
October 8, 2013**

**Published by the Chief Electoral Officer
April 2014**

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April 23, 2014

The Honourable Kevin Murphy
Speaker of the House of Assembly
Legislative Assembly of Nova Scotia
Province House
1726 Hollis Street
Halifax, NS
B3J 2Y3

Dear Mr. Speaker:

The Report of the Chief Electoral Officer on the Proceedings of the 39th Provincial General Election held October 8, 2013 is presented in three volumes: *Volume I, Statement of Votes & Statistics* provides a summary of the election results and provides detailed statistics on the vote was published on December 16, 2013. *Volume II, Report on the Conduct of the Election and Recommendations for Legislative Change* includes the results of an independent audit of new procedures and lessons learned. *Volume III, Financial Information & Statistics*, to be published in the spring of 2014, provides financial information on election expenses, candidate reimbursement, election administration costs and financial statistics.

I am honoured to present *Volume II, Report on the Conduct of the Election and Recommendations for Legislative Change*, for the 39th Provincial General Election, to the Legislative Assembly, in accordance with Section 163 of the *Elections Act*.

Sincerely,



Richard Temporale
Chief Electoral Officer

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Summary

On September 7, 2013, at the request of Premier Darrel Dexter, the Lieutenant Governor, the Honourable J.J. Grant CMM, ONS, CD (Ret'd), dissolved the Legislative Assembly. An Order in Council directed the Chief Electoral Officer to issue the writs of election to all 51 electoral districts, ordering that the 39th Provincial General Election be held on Tuesday, October 8, 2013.

At the time of dissolution there were 52 electoral districts in Nova Scotia. Standings in the House of Assembly included: 31 members of the Nova Scotia New Democratic Party, 12 members of the Nova Scotia Liberal Party, 7 members of the Progressive Conservative Association of Nova Scotia and two vacancies.

In the October 8, 2013 Provincial General Election, 176 candidates stood for election: 51 from each of the Nova Scotia Liberal Party (NSLP), the Nova Scotia New Democratic Party (NSNDP), the Progressive Conservative Association of Nova Scotia (PC), 16 representing the Green Party of Nova Scotia (GPNS), and 7 independent candidates.

Elected to the House of Assembly were 33 members of the NSLP, 11 PC, and 7 NSNDP. No candidate of the GPNS or independent candidate was elected.

The NSLP received 190,112 or 45.71% of the valid votes cast, while the NSNDP received 111,622 votes (26.84%), and the PC 109,452 votes (26.31%). The GPNS received 3,528 votes (0.85%) and independent candidates received a total of 1,238 votes (0.3%).

By close of the polls on election day, there were 720,077 electors registered to vote. In total, 419,091 of those electors

voted using one of the ways to vote offered throughout the writ period. The percentage of electors who voted was 58.2% compared to 57.91 % in 2009, and 59.89 % in 2006.

A total of 2,221 polling stations were set up in 905 different locations across the province; 183 stations received advance poll voters; 1,949 polling stations serviced election day voters and 89 mobile polls served electors in residential centres. More than 6,000 Nova Scotians were employed.

To enhance access to voting, new voting opportunities were introduced including the continuous poll in each returning office, the out-of-district poll facilitating electors to vote at any returning office regardless of their place of residence, the campus poll that enabled students and other electors to vote at short-term polls on university and NSCC campuses, and the hospital poll that enabled patients, visitors and staff to vote in hospital on specific days before election day.

The 2013 Provincial General Election was the first test of the amended *Elections Act* (the Act), new electoral processes, new boundaries, and new returning officers. The Chief Electoral Officer chose to commission an independent and open review to assess these new features. The audit was designed to focus on the processes used in voting, the training provided to election day workers, and the processes around counting ballots and results tabulation.

Three other audits were also carried out.

In light of the non-compliance problems identified in the 2011 federal general election in Etobicoke Centre,

the Chief Electoral Officer ordered a comprehensive review of adherence to policies and procedures in the field during the 2013 Provincial General Election.

ENS employed a team of 14 election officials to review a random sample of election day polls, advance polls, mobile polls, continuous polls, and write-in ballot polls. This compliance audit was conducted over three weeks and compiled for analysis.

The third was a review looking into the success or failure to meet student expectations at the polls offered on university and college campuses throughout the province.

The fourth looked exclusively at allegations of voter fraud during the election.

Pre-Event

Highlights of Changes to Legislation since the 2009 Provincial General Election

After the Provincial General Election of June, 2009, the *Elections Act* was subject to a complete review and, to a large extent, modernization and was proclaimed in December, 2011.

The updated Act enshrines the independence of the Chief Electoral Officer and Elections Nova Scotia (ENS). Returning officers, being the key individuals responsible for delivering election services in each electoral district, are now appointed by the Chief Electoral Officer according to a merit based process.

The Act consolidates all electoral and electoral finance legislation in one place from many sources of statutes and regulations.

Under the Act, ENS has a mandate to implement public communication, education and information programs, including information for new electors, to make electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights. The responsibility for voter turnout rests with the registered parties, the candidates and their campaign teams and not with ENS. It is hoped that through strong education and communication initiatives and by increasing accessibility to voting opportunities, ENS can positively influence citizen engagement in the political process and indirectly influence voter participation in elections.

The Act requires that every polling station must be in an accessible premise with level access and an internal

structure that allows persons with disabilities to cast their ballot without barrier or obstruction. If necessary, the elector may be assisted to mark the ballot. Ballot boxes may also be moved by an election officer to make it easier for an elderly or disabled elector to vote.

The Act allows the Chief Electoral Officer to appoint 16 to 18 year old residents to certain election worker positions which introduces young people to the electoral process from the service delivery side. It is anticipated that this will lead to electoral engagement once these young workers reach voting age. The Act also contemplates a process to gather information from 16 to 18 year olds for the Register of Electors before they attain voting age.

A registration process for prospective candidates was introduced with the Act. Candidates must register before money is accepted or spent by a candidate's official agent. The Chief Electoral Officer is required to publish a list of registered candidates. Financial reporting of transactions during the registration period is mandatory at the end of each calendar year. Candidate registrations are valid for one election only.

An important aspect of an electoral finance regime is the introduction of third party election advertising rules. Election advertising is a message that promotes or opposes a registered political party, the election of a certain candidate, or a party's or candidate's position on an issue. The Act requires that a third party advertiser register with the Chief Electoral Officer immediately after having incurred election advertising expenses of \$500 and the Act specifies that a third party may not incur election advertising expenses of more than

“ Under the Act, ENS has a mandate to implement public communication, education and information programs.”

\$10,000 during a general election. All registered third parties must file a report with the Chief Electoral Officer with details of election advertising expenses which the Chief Electoral Officer must publish along with the names and addresses of registered third parties. Third party registrations are active only during a writ period.

Another significant change since the 2009 general election was the enactment of new electoral district boundaries. Every ten years, the electoral boundaries of Nova Scotia are subject to review by an Electoral Boundaries Commission as legislated by the *House of Assembly Act*. The independent Nova Scotia Electoral Boundaries Commission was established by the Select Committee on Establishing an Electoral Boundaries Commission. The Commission's Final Report was presented in September, 2012. The goal is to keep pace with population growth and movement to achieve relative population parity among electoral districts.

On October 25, 2012, the government implemented the boundaries through Bill 94. This bill put into legislation 51 electoral districts (a reduction from the 52 electoral districts) that would come into effect for the 39th Provincial General Election. In addition, four separate Bills were introduced to amend the *House of Assembly Act* and renamed four of the electoral districts to come into effect on the dissolution of the legislature for the election.

Under the powers vested in the Act, the Chief Electoral Officer recommended two changes to the boundaries as described by the Commission. The boundaries between Inverness and Victoria-The Lakes in the Meat Cove area and between Preston-Dartmouth and Eastern Shore in the Candy Mountain Road area were changed

to be consistent with the intent of the Commission and to improve the administration of the boundaries.

The enactment of new electoral districts also had the effect of requiring the Chief Electoral Officer to review every returning officer position. The Act legislates that the office of the returning officer becomes vacant with the implementation date of an electoral boundaries commission report.

New Tariff of Fees and Expenses

As part of the review of legislation conducted at the request of the House of Assembly following the Provincial General Election of 2009, the Chief Electoral Officer conducted an analysis of the Tariff of Fees and Expenses made under Section 355 of the Act. The tariff had last been reviewed and updated in 2008. The Chief Electoral Officer recommended changes to improve election management and administration recognizing the need for competent, professional election officials in the field and the increasing requirements that some election workers have computer and communications skills and experience. It was also recognized that the number of hours spent by team members varied greatly by district, creating an unfair compensation model for the fixed fees paid.

The recommendations followed the preparation by ENS of a job description for returning officers, an analysis of the key field positions in election administration by the Public Service Commission (PSC) and the PSC's informal evaluation of the position using the Hay Job Evaluation System. Subsequently, the PSC concluded, and ENS agreed, that election officer positions could not be rated against Excluded Classification (EC) roles as

they are not provincial government employees. The PSC then conducted a jurisdictional review of comparable election worker positions which validated the work done by ENS.

For election workers, new hourly rates were introduced and future increases will be based on changes to the minimum hourly wage. Increases to other expenses (rental of premises, etc.) will be based on changes to the Consumer Price Index.

These recommendations were accepted and implemented in October 2012. The complete Tariff of Fees and Expenses is available on the ENS website.

Executing the New Electoral Boundaries

Once the new electoral boundaries were enacted, all polling division boundaries had to be reviewed. The returning officers used a web enabled mapping tool to assess and review their polling divisions. ENS Geographic Information Systems (GIS) analysts trained and supported the returning officers in the assessment of the electoral geography (polling division boundaries, polling locations, etc.) within their assigned districts.

Returning officers were required to identify potential returning office and poll locations in their electoral district. They were provided with guidelines as to where high speed Internet zones were available, population of potential voting location catchment areas, drive time analysis to the nearest polling location, and accessibility assessment criteria to use when inspecting each prospective polling location. This project aided the newly appointed returning officers to become very familiar with the geography of their electoral district. Returning officers were then tasked with meeting representatives of their local electoral

district associations to review their proposed changes to polling divisions and polling locations. The project was successfully completed at the end of March 2013.

ENS then proceeded to generate the new 2012 Electoral District Map series and re-associate the civic addresses with the new distribution of electoral districts and polling divisions. The ENS GIS team generated a series of 100 electoral districts maps, 1500 polling division maps, printed over 4000 maps, and updated the website to communicate the boundaries that were to be used in the 39th Provincial General Election.

Significant change in the setup of the returning offices resulted from the introduction of new voting opportunities, the election management system (EMS) and other new technologies. All returning offices had wireless network and Internet access that linked their six computers and printers and facilitated access to the EMS program and its centralized database of registered electors and election management tools. Business continuity was assured through a backup mobile Internet connection through a mobile wireless router. Mobile wireless routers were also used to set up network connections at university and college campus polls to enable access to the EMS and real time strike off of electors as they voted.

Register of Electors

The Register of Electors is a database of Nova Scotians who are qualified to vote in provincial elections.

The Register of Electors includes the name, date of birth, sex, civic address, and mailing address and whether the elector voted in the latest general election. ENS continually updates the register based on data received from the Registrar of Motor Vehicles, Vital

“The Register of Electors is a database of Nova Scotians who are qualified to vote in provincial elections.”

Statistics, extracts of the National Register of Electors from Elections Canada, and through local governments when they use an extract of the register for their elections. An elector's civic address determines the electoral district and polling division in which they reside and the polling location where they vote.

The Register of Electors may only be used for electoral purposes. At the start of the 39th Provincial General Election, the Register included 709,450 registered electors.

ENS employs several techniques to ensure that electors are registered with their correct and current address. Updates of elector and residence information are obtained monthly from the Registry of Motor Vehicles, Vital Statistics, and the Department of Health, and bi-annually from Elections Canada. Shared civic address information is vetted against the provincial civic address information provided by the Nova Scotia Civic Address File (NSCAF) to ensure its accuracy, while the mailing address information is checked through a Canada Post Corporation's approved program. Where information is correct and the elector's name and date of birth are matched, the current updates are applied to the Register of Elector to keep it up-to-date. Triangulation of data sources helps ensure the most up-to-date information and aids in eliminating duplicates. Furthermore, shared information from Vital Statistics and the Department of Health provide the source of deceased electors that should be removed from the register.

In addition to the digital scrubbing of the electors' information, ENS designs special projects for validating the Register's elector and civic address information by returning officers and specialized staff. Such projects ensure proper electoral distribution of

addresses, update mailing addresses in the district, and capture or remove electors from the Register, and validate and remove duplicate elector information.

Returning Officer and Election Clerk Recruitment and Training

The *Elections Act* legislates that the office of the returning officer becomes vacant on the implementation date of an electoral boundaries commission report. The most recent boundary review was conducted and recommendations approved in 2012.

The Act enables ENS to recruit and hire returning officers following a merit-based process. Once new electoral boundaries were approved, extensive advertising was conducted to inform the public that regional information sessions were being held across Nova Scotia as part of the recruitment process for 51 returning officers, five assistant returning officers for satellite offices and 56 election clerks.

Job descriptions for both returning officer and election clerk were distributed and posted on the ENS website as well as on the government of Nova Scotia website. Job advertisements were published in newspapers across the province resulting in hundreds of applications for 112 positions.

The interviews and testing were conducted between June and August, 2012. In the end, the turnover was significant. Thirty of the 54 returning officers and assistant returning officers employed to run the 2009 general election had either retired since that election or were replaced as a result of this merit-based process.

Successful candidates were advised by the Chief Electoral Officer in August/September of 2012. On January 23, 2013 the first formal inauguration ceremony

“ At the start of the 39th General Election, the Register included 709,450 registered electors.”

for returning officers took place in the Red Room at Province House; the Lieutenant-Governor of Nova Scotia presided over this ceremony where 51 returning officers and five assistant returning officers for satellite offices were sworn in.

Training for all returning officers, assistant returning officers and election clerks took place in two phases: Phase One training was conducted over seven consecutive days between August 2012 and February 2013; and included training on all operational policies and procedures, the nomination process, the new learning management system, and the new election management system.

Phase Two training for returning officers, assistant returning officers and election clerks consisted of a three-day overview of election administration, including hands-on experience with the election management system. This training was held in March 2013

With no election called in the spring of 2013, ENS scheduled refresher training. Returning officers, assistant returning officers and election clerks were asked to complete two assignments – one on operational procedures and issues, the other focused on using the new election management system. These assignments were completed in August 2013.

Returning Office Staffing

The debrief with returning officers and election clerks after the 2009 provincial general election confirmed that three core staff positions in an office were no longer sufficient to administer a provincial election to the expectations of the general public, candidates and ENS. Consequently, an additional staff member position was added, primarily to administer the polls run out of each office and to assist the returning officer

in the general administration of the office.

In addition, due to the highly successful use of the write-in ballot coordinator position introduced in the 2009 general election, the number of hours allocated to this position was increased from 80 to 120 and a second position was added to assist the coordinator with their duties and to accompany them on all visits with electors. The write-in ballot coordinators were nominated by the party that came first in the last election. The second position, appointed from the list of names provided by the party that came second in the last election, was allocated 80 hours and added an element of safety to home visits as well as acting as an observer of the fairness of the voting process.

Securing Suitable Office Space

Prior to the writ of election, each returning officer was required to locate a primary and contingency returning office space, a difficult assignment without knowing the date of the election.

The basic requirements of a returning office are that it be accessible to disabled electors and centrally located in the electoral district for the convenience of electors. It must meet the technical specifications for high-speed Internet service to accommodate the election management and the learning management systems.

Returning officers may only sign a lease or provide a deposit once the writ is issued. As could be expected, this resulted in several returning officers losing their primary location and contingency space and having to scramble to find another place to rent, making compromises on requirements. Because of the unknown writ and election dates and the difficulties in

“On January 23, 2013 the first formal inauguration ceremony for returning officers took place in the Red Room at Province House; the Lieutenant-Governor of Nova Scotia presided over this ceremony where 51 returning officers and five assistant returning officers for satellite offices were sworn in.”

securing space in advance, the rent paid for the returning offices ranged from \$1,750.00 to \$14,720.00. There is an opportunity to reduce the high fees paid in some districts if more notice can be given to the returning officers so that appropriate space can be secured in advance.

The ENS election readiness preparations included a contract with a provincial transportation company to pick up and deliver the first shipment of supplies to each of the 51 returning offices and five satellite returning offices within 72 hours of the writ being issued. This target was achieved. All returning offices were open to the public on Monday, September 9, 2013, and voting commenced at both the continuous and write-in ballot polls on that day.

One major challenge faced by most returning offices was that their technical equipment had not been installed by the supplier according to the agreement with ENS. This delay extended to Thursday, September 12 at some locations and required staff to process electors manually until they could be entered into the election management system.

Voting Accessibility

Voting in a provincial election is a constitutional right of all Canadian citizens. Many people, including those with disabilities, face a variety of barriers to casting their ballot privately and independently.

Nova Scotia has the highest rate of disability in Canada. According to Statistics Canada, 19 per cent of people – about one in five – are disabled, compared to the national average of 13.7 per cent.

Nova Scotia also has the oldest population in Canada. About 1,000 Nova Scotians turn 65 each month and

40 per cent of Nova Scotians aged 65 or older are disabled. In 2013, 30% of Nova Scotia electors were over 65 years old.

ENS invited the executive director of Nova Scotia League for Equal Opportunities (NSLEO), the umbrella group for disabled persons in the province, to make a presentation to the Election Commission on the needs of the disabled community in relation to voting. Commission members were advised that transportation to the polls was the major obstacle in preventing disabled electors from exercising their democratic rights.

ENS also hosted a meeting of a new working group advocating on behalf of disabled electors in Nova Scotia.

ENS's goal is to deliver solutions that will make the entire voting process – from registering to vote to casting a ballot – accessible for every Nova Scotian. Some features of our accessibility program include:

- A computer program that reads aloud all our website content including PDF and Word documents. As visitors move the cursor over words, they are spoken aloud in any of more than 30 languages. The website material can also be saved in a MP3 format for replay later
- A toll-free information line for those with a hearing impairment: TTY 1-866-774-7074 (Toll Free TTY)
- Documents written specifically for persons with disabilities and/or low literacy
- Election brochures available in two versions of Braille
- A sign-language video on voting for people who are deaf or hard of hearing
- A voting template for the visually impaired
- Transfer certificates on election day to permit persons who use wheelchairs or who have other physical

“ Election Nova Scotia’s goal is to deliver solutions that will make the entire voting process – from registering to vote to casting a ballot – accessible for every Nova Scotian.”

disabilities to vote at facilities that provide level access if, in exceptional cases, their own polling locations do not provide such access

- Assistance, at the voter's request, with registration and marking the ballot at the advance polls, the polling location on election day or the returning office
- Transportation of ballot boxes from the polling station to the curb at the voter's request
- Transportation of the ballot box from room to room to facilitate voting in hospitals and residential centres
- Mobile polling stations in residential centres where seniors or persons with disabilities reside
- Voting at home in the presence of an election officer and a witness, on request

Support of Field Offices

A support centre for returning office core staff was established at the ENS office in Halifax. Eight agents who were either former returning office core staff or had worked in the 2009 support centre were recruited and trained in all aspects of election procedures and policies.

Throughout the election period, the support centre was open from 8:30 am to 6 pm Monday through Saturday, except those days on which field offices were working extended hours, in which case, the support centre was also available.

ENS assigned mentors to each of the 30 plus first-time returning officers. The mentors were chosen from among the returning officers with previous election experience who were able to provide guidance, available to answer questions or to address concerns.

In addition, retired returning officers Ken Eisan and Mike Hodgson, were asked to mentor and assist the new returning officer in their former electoral

districts where large turnouts at the continuous poll in the returning office was a particular challenge.

Ballot Printing

Historically, the printing of advance poll and election day ballots was the responsibility of each returning officer who secured a local printer. Despite providing local printers with detailed instructions on the form of ballot, font size and type, the final ballot proofs, on occasion, contained errors and were inconsistent with the legislated format. With the advent of desktop printing, many of the local, smaller printers have become obsolete, leaving many electoral districts without a qualified local printer and forcing returning officers to expand their search area significantly.

Available technology spurred the move toward digitally printed ballots in fewer centres across the province.

Working with government procurement, ENS divided the province's 51 electoral districts into seven regions and through a Request for Proposals process and invited proponents to bid on multiple regions if they could meet the requirements. Three printers were selected to print the ballots for the 51 districts in the province with the projected benefits in efficiency, consistency and quality realized.

Learning Management System (LMS)

During the 2013 Provincial General Election, ENS hired 6,539 temporary workers to help administer the electoral processes at more than 2,000 polling stations spread across the province. Training the part-time election officers is a critical step in the process.

Varying ages, backgrounds, and skill sets of the election workers or officers hired means that training materials need to be easy to access and understand.

To create, print, bind and distribute reference manuals is costly and time-consuming. Without a known election date, training must be delivered to meet election readiness targets and redelivered to core staff from time to time because participants may forget important elements before the election is called.

ENS set out to develop a highly scalable solution that could expand dynamically to accommodate access by thousands of users for short bursts of time throughout the year. Because of the wide range of users' backgrounds and experience, the solution needed to be simple and intuitive; delivering content in short bites and enable participants to consume content at their own pace when it was most convenient.

A video-based program was designed that delivers the training content in short, digestible pieces. The videos were from less than one minute to five minutes long and focused on one or two topics. The videos were organized by election officer position. The training was conducted by returning officers and supplemented with quick reference guides. Election officers were encouraged to access the LMS videos as often as they wished through the ENS website, before and after training.

Election Management System

Since 2009, ENS has developed a modern election management system (EMS) that uses the Internet to provide secure access to a centralized database of Nova Scotia registered electors. It enabled ENS to provide electors with new voting opportunities and to vote outside their electoral district at any returning office in the province or at university and college campuses, while maintaining the integrity of the vote.

Returning officers used its various tools to manage polling locations and election worker records, register and revise electors' information, generate Voter Information Cards (VICs), print the list of electors for use at the polls and by candidates, and publish election night results as they were reported by election officers at the polls.

Candidate Registration

The Act requires candidates to register with ENS when they receive a contribution, a transfer, or incur an expense. The Act also requires annual reporting for these registered candidates. In 2012, five candidates were registered with ENS and reported financial activity in March 2013. By the time the writ was issued on September 7, 2013, 131 candidates had registered. Once a writ is issued, all registered candidates must also complete the nomination process. Candidates who hadn't registered in advance were deemed to be registered when their nomination was accepted.

Official Agent Training Seminars

ENS recognizes that the Act imposes a strict and thorough reporting regime on candidates' official agents, an important position that should be filled by a qualified volunteer with an accounting background. The key words here are "qualified" and "volunteer" because the requirements to file are onerous. In recognition of this, ENS offered official agents ongoing support in a number of ways.

In cooperation with the official agents of the four registered political parties, ENS developed a comprehensive official agent manual that covered all aspects of the job to be performed. Each official

agent received a copy of this manual upon registration or nomination of their candidate.

In late August, 2013, a series of 11 two-hour training sessions was offered across the province in Halifax, Bridgewater, Yarmouth, Wolfville, Truro, Amherst, and Sydney. After the writ was issued on September 7, two additional training sessions were held in Halifax and sessions in Antigonish and Shelburne were scheduled. However, there weren't sufficient registrants to warrant additional training sessions outside Halifax.

In addition to the in-person training, a video that covered the highlights of the official agent duties was produced and posted on the ENS website.

“ By the time the writ was issued on September 7, 2013, 131 candidates had registered.”

Event

Communications

Since 2009 and the subsequent by-elections, much has changed: the Act was substantially re-written, policies, procedures and processes were changed to reflect the new Act, and new voting opportunities were enabled.

The communications goal for the 2013 Provincial General Election was to inform electors of the new poll procedures and election rules and the key dates associated with new voting opportunities. The general messages of the communications program were:

- *There are a dozen ways to vote in Nova Scotia*
- *There have been changes since the last election*

An important communications tool was the newly designed ENS website. The site had clear messages, was easily navigated, included a number of accessibility features for the visually and hearing impaired visitor, and had all the information an elector needed regarding process, key dates, polling locations, and nominated candidates and where to vote. Videos were produced for the website and election training resources for election officers, official agents and candidates were available for downloading on demand. On election night, the results were provided in real time as they were entered into the election management system.

Statutory ads, those prescribed by the Act, were delivered through daily and community newspapers. The ads were useful reminders of deadlines and significant dates on the election calendar.

A new initiative of the 2013 Provincial General Election was a flyer delivered to homes across the province with

information about the major changes and voting opportunities and contact information for the 51 returning offices and five satellite offices.

The flyer was followed with a four-page advertisement in the Chronicle Herald that listed all candidates by electoral district, alerted readers to the VICs they were to receive in the mail, and provided key dates for hospital polls, campus polls and the advance polls.

Other advertisements were used to deliver messages to specific audiences. For example, a full page *Growing Great Citizens* ad was published in the Chronicle Herald for parents and teachers of young children. Smaller ads featuring the *Take your child to vote* program appeared in daily newspapers.

A campus poster campaign, email notices, an on-campus media advertising program and a modest radio campaign supported on-campus voting. The posters featured a quote by Rick Mercer of *The Rick Mercer Report*, reproduced with his permission. In partnership with the Chronicle Herald, ENS had rotating advertisements on an election specific mini-website created and managed by the newspaper. The rotating ad alerted readers to timely topics such as third party advertising, voting by mail deadlines, Canadian Armed Forces voting, voting by persons with disabilities, etc., with click-through links to fully descriptive material on the ENS website.

ENS used a Facebook page and Facebook advertising to introduce the many ways to vote, key dates during the election period and links to in-depth information on the new website. Daily features paralleling the election calendar

“A new initiative of the 2013 Provincial General Election was a flyer delivered to homes across the province with information about the major changes and voting opportunities.”

“do what young people all over the world are dying to do: vote.” 

Rick Mercer
The Rick Mercer Report, CBC Television

X-ercise your right to vote.
If you're qualified to vote in the
October 8th provincial
election, you can do it on campus.

**Click on the link below to get your
campus polling schedule.**

 **ELECTIONS
NOVA SCOTIA**

I'm serving time in a correctional centre. Am I eligible to vote?
Voting information for incarcerated

Quick reference guide for Official Agent of a Candidate
• Tax receipts • Contributions • Election Expenses

The role of a Candidate's Agent
General information for agents appointed to represent a candidate at various stages in the election process.

were posted. During the election period, the ENS Facebook page received more than 11,000 visits.

ENS used Twitter to send timely messages based on the election calendar and to monitor Twitter feed for opportunities and problems as they arose.

A family of nine brochures was created for the election and distributed through the returning offices. Each was available for downloading from the ENS website. Braille and large-print versions were available through the returning offices.

In addition, the ENS website was updated regularly with information regarding registered candidates pre-writ, and nominated candidates during the writ period. All financial forms and handbooks were also available on the website.

Student Vote

The Student Vote program of CIVIX is a parallel election for students under the voting age, coinciding with official election events. The program combines in-class learning, family dialogue, materials and an authentic vote featuring the local candidates. The purpose is to provide students with the opportunity to experience the democratic process first hand and practice the habits of informed citizenship.

ENS partnered with the Democracy 250 Youth Engagement Legacy Trust to sponsor CIVIX to deliver the Student Vote parallel election in Nova Scotia schools during the 39th Provincial General Election. In total, 233 schools registered for the Student Vote, representing every electoral district and school board in the province.

The 2013 Nova Scotia Student Vote was the sixth and most successful parallel election in the province to date.

In total, 22,734 votes were cast from 196 schools, representing all 51 electoral districts. The results were posted on line and shared with the media under embargo until the close of polls on election day.

To evaluate the outcomes, CIVIX administered surveys with participating students and teachers. The results of both surveys indicate strong satisfaction with the project. One hundred percent of the teachers who participated in the Student Vote would do so again.

Democracy Week – September 16-23, 2013

Youth turnout at elections has been declining since 1970 when the voting age was lowered from 21 years to 18, a trend that has driven down the overall turnout rate. Key factors that explain the absence of young citizens at the polls are low levels of political knowledge and interest, and a weaker sense that voting is a civic duty compared to older age groups.

Nova Scotia's Chief Electoral Officer was invited by Elections Canada to participate in a Democracy Week event held at Dalhousie University on September 18, 2013 – just a week before a campus poll was to be held in the same building. The Chief Electoral Officer discussed youth engagement together with other panelists and outlined some of the initiatives and programs supported by ENS under its education and information mandate: the web-based Growing Great Citizens, an online election game Run-Vote-Win, and the sponsorship of the Student Vote.

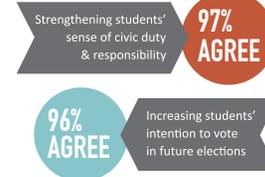
Public call-centre

A call centre was established to answer questions from the public starting on Monday, September 9, 2013. Call centre agents were trained to answer anticipated questions and to escalate

EDUCATOR FEEDBACK

The Student Vote program develops responsible citizens and future voters

THINKING specifically of the Student Vote materials, activities and overall process, to what extent do you feel they have contributed to achieving the following?



"They became passionate about the outcome and began to understand their future role as voters. It was a wonderful experience."
(Grade 8-9 teacher, Halifax)

"I think it takes the intimidation factor of not knowing what to expect when you go to vote as well show the importance of having your vote count."
(Grade 7 teacher, Fall River)

"I think that the Student Vote Program is a great way to introduce students to how our political and electoral system works. I also believe that it will help influence many of them to participate in the process when they reach the age where they can vote in a real election."
(Grade 3-4 teacher, Sandy Cove)

"I think it would be good to vote in the future and this helps us learn about it."
(Student)

STUDENT FEEDBACK

“It is a civic duty for citizens to vote in elections.” 99%
69%
AGREE

“When you turn 18 years old, will you vote?” 99%
69%
YES



Nova Scotia's Chief Electoral Officer was invited by Elections Canada to participate in a Democracy Week event held at Dalhousie University on September 18, 2013 – just a week before a campus poll was held in the same building.

calls to subject matter experts at ENS to answer questions for which they were not trained.

In 2009, the public call centre received 11,606 calls during the election period. During the 2013 Provincial General Election, 12,317 calls were received. The majority of calls were in relation to poll location, returning office location, employment, questions about VICs and complaints about election signage. Call centre agents used the ENS website to provide poll and returning office location information based on the address of the callers.

Official Agent Help Line

Following the writ, a call centre was established exclusively for the official agents of parties and candidates, and was staffed Monday-Saturday from 9 am to 5 pm. The help line received 355 calls from September 9 to November 8, 2013. Other calls were made directly to the ENS staff and an e-mail address established for official agents received more than 200 queries.

Candidate Nominations

In the past, the timely and successful completion of the nomination process had been a stressful challenge for both candidates and returning officers. To reduce the level of stress and the potential for failure to meet the deadline for nomination, ENS made several adjustments. First, the nomination process and forms were updated to make the process easier to complete and less complicated to follow. Second, a video on how to complete nominations was posted on the ENS website for candidates and official agents to refer to at their convenience. Third, an introduction to the nomination process was a main feature of the training sessions ENS offered to all candidate official agents.

Lastly, returning officers and ENS staff continually reinforced with candidates, their official agents and party executives the benefits of completing the nomination process well in advance of the cut off of September 24, 2013, at 2 pm.

Of the 176 candidates who participated in the election, 105 or 60% successfully completed the nomination process in the first week after the writ was issued; another 61 were successfully nominated in the second week. Only 10 completed the nomination process in the last three days before the close of nominations including only one candidate who was nominated on the day of the close of nominations.

Third Party Registrations

A third party is an individual or group that is not a candidate, registered political party, or registered electoral district association. Election advertising is a message that promotes or opposes a registered political party, the election of a certain candidate, or a candidate's position on an issue. As an example, an advertisement that takes a position on a certain political issue, such as taxes or support a level of a given government service such as health services is considered election advertising.

The 2013 election was the first time that third party advertisers were required to register with ENS. The requirement is triggered when a third party spends \$500 on election advertising. The registration is valid only during the election period, which is from the time of the writ until election day.

Despite an ENS media campaign in advance of and after the writ was issued, many special interest groups were unaware of their requirement to register as a third party. None of the eight third

Candidate Nominations

The Nova Scotia Liberal Party	51
The Progressive Conservative Association of Nova Scotia	51
The Nova Scotia New Democratic Party	51
Green Party of Nova Scotia	16
Independent Candidates	7
Total	176

parties that registered with ENS during the election did so before being alerted to the requirement by ENS staff.

Voter Information Card (VIC)

A VIC is a mail-out sent to all registered voters to confirm that they are on the List of Electors. It also is used to inform them of voting opportunities and pertinent election day information. The card is in postcard format, printed on card stock, with the name and address of the elector on one side and the election information, including where they may vote, on the other.

VICs were prepared and placed in the mail stream ten days after the writ of election. VICs were sent to all registered electors in each electoral district. For the 2013 election, the VIC was redesigned to present the voting information and instructions to the elector in the simplest and clearest manner. VICs that could not be delivered were returned by Canada Post Corporation (CPC) to the returning office where staff took steps to get in touch with the elector to complete the delivery.

List of Electors

An extract of the Register of Electors, including current Nova Scotia electors as of September 8, 2013, was prepared and uploaded to the EMS for use by staff in returning offices for the 39th Provincial General Election. There are four legislated versions of the list of electors prepared during an election.

Preliminary List of Electors: The start-up list of electors was revised with data of electors enumerated at residential facilities and, within 10 days of the issuance of the writ, the Preliminary List of Electors was prepared for each electoral district, in digital and hardcopy formats, and made available

to nominated candidates and registered parties. A total of 710,716 registered electors were included in this list.

Revised List of Electors: This list of electors was prepared on the fifth day before election day for use at the advance polls. It included all revisions to electors' information, addition of newly registered electors, and removal of electors who were identified as deceased, moved out of the province or to an unknown address. These revisions resulted in a net decrease of 2,748 electors on the list as of that date and noted all electors who had already voted in all previous voting opportunities. The Revised List of Electors for each electoral district was made available by returning officers to nominated candidates and provided to registered parties. The Revised List of Electors included 707,968 electors at the start of the advance poll.

Official List of Electors: This list of electors was prepared on the second day before election day for use at the election day polls. It included all additions and revisions completed during the advance polls which resulted in a net increase of 1,391 electors on the list of electors. It also noted those electors who had voted at the advance polls as well as those who had voted by write-in ballot and at continuous polls. The Official List of Electors included 709,359 electors at the start of the election day. The Official List of Electors of each electoral district was made available by the returning officers to nominated candidates, and to registered parties.

Final List of Electors: This list of electors was prepared by December 5, 2013 and includes all updates from election day, i.e., it flags electors who voted on election day and includes voters who registered or updated their voter registration on election day. 11,053



electors were added to the Official List of Electors at election day polls. The Final List of Electors is made available to registered parties.

Voting Opportunities

Voting by Write-in Ballot

The write-in-ballot process provides a secure method for electors to vote in advance of nomination day, as well as those who are away from home or voting from home or hospital.

The elector using the write-in ballot has the option to write either the name of the candidate for whom they are voting or the name of the party they wish to support in the election or both. The name of the party option is especially useful where the party's candidate has yet to be officially nominated.

The write-in ballot is placed in a security envelope which is not opened until the polls close on election day night. This security envelope is placed in a second envelope on which the elector's electoral district is printed to ensure that the elector's ballot is received by the appropriate electoral district. The elector must sign this second envelope. It must be delivered to the returning office before the close of polls on election day where the elector's signature on the envelope will be compared to their signature on the application form before it can be counted on election day night. Once the signatures are authenticated, the outer envelope is removed and the unmarked ballot envelope containing the elector's ballot is mixed in with all other ballot envelopes to ensure anonymity before being counted.

Voting by Members of the Canadian Armed Forces, Incarcerated Electors and Out-of-Province Nova Scotians

Qualified Nova Scotia electors, who are unable to attend a regular poll, may vote by write-in ballot. Although the time lines for voting are tight, plans were in place to assist voters in meeting all relevant deadlines. Among the electors who may take advantage of this opportunity are Nova Scotians vacationing out of province, military personnel stationed out of province and those incarcerated in a correctional facility.

Immediately after the call of the Provincial General Election, ENS contacted the Judge Advocate General's office, which sent a message to all units of the Canadian Armed Forces to inform them of the election, the eligibility requirements for voting, and the process for applying to vote by write-in ballot. Information packages were sent to provincial and federal correctional facilities in the Maritime region and distributed by liaison officers appointed by the superintendent of each facility. The role of the liaison officer is critical in verifying the identity of the elector and in completing the application and voting process in time. During the 2013 Provincial General Election, a "lock-down" at a correctional facility presented additional challenges that were met with the cooperation of the liaison officer and the local returning office.

The traditional write-in ballot process requires qualified electors to request to vote by mail. A write-in ballot application is sent to them for completion and is sent back to the returning office for approval and distribution of a write-in ballot kit to enable absentee electors to vote. It is a legislative requirement that provision of acceptable identification is included with a write-in ballot. Absentee

“ENS hired 6,539 temporary workers to help administer the electoral processes at more than 2,000 polling stations.”

electors are able to vote for either the candidate or party of their choice. Completed ballots are packaged in an envelope system to ensure privacy, sent to the returning office and counted with other write-in ballots on election day night.

Hospital Voting

The Act enables electors to apply for and receive a write-in ballot while hospitalized. In districts with hospitals, write-in ballot teams (WIB) received special training to assist any qualified elector to vote whether or not they resided in the electoral district in which the hospital was located. The opportunity was also offered to hospital staff and those who were visiting patients.

All hospitals with more than 50 beds were visited by a WIB team for one to three days the week before election day. In hospitals with fewer than 50 beds, hospitalized electors were invited to call the returning office to request a visit by the WIB team.

At the end of each day of the hospital vote, the WIB teams delivered the write-in ballots to the returning office responsible for processing. Electors were struck off the list as voted, records were consolidated, and documented and out-of-district ballots were prepared for delivery to the appropriate electoral district.

The new procedure was welcomed by hospitalized electors, their families and hospital staff.

In-home Voting

Electors unable to leave their home to vote during the election were able to vote using the write-in ballot process. They contacted their returning office and were scheduled for a visit by a WIB team.

Each seniors residence, group home, shelter and small long-term care facility with less than 10 electors resident was contacted by the returning office staff to be advised of this service offer.

The visiting WIB teams were able to complete and approve the elector's application to vote and provide them with a write-in ballot with a single visit to their residence. Any qualified elector voting in the presence of a WIB team was able to vote by write-in-ballot, even if they were not resident in that particular electoral district. Out-of-district ballots were delivered to the appropriate returning office for counting on election day night.

Campus Voting

A perennial criticism from young electors has been that elections held during the university year require students to vote at a polling location near where they live while they spend most of their time on campus. This inconvenience has been raised in federal and provincial elections since the voting age was reduced to 18 years.

ENS began initial investigations and planning for an on-campus vote starting in 2012 to prepare for the possibility that the next provincial general election could be held during the school year.

Following the 2011 federal election, Mark Coffin, at the time executive director of the Alliance of Nova Scotia Student Associations, prepared a report on the federal election detailing the challenges that had to be overcome to remove barriers for student electors. ENS met with Mr. Coffin and consulted with representatives of the Canadian Federation of Students and Students Nova Scotia as well as returning officers with university and college campuses within their districts.

The Chief Electoral Officer appointed Lars Goodman, who had trained as a returning officer, as campus vote

In-home voting

Bruce Gurnham's cancer made it difficult for him to get out of his chair and he couldn't think of making the trip to a polling station to vote. His wife, Nancy, was his care-giver in their home in Annapolis Royal so she too faced difficulties in casting a ballot.

The Gurnhams had voted in every election throughout their married lives and they did not want to miss this one. When Elections Nova Scotia explained that they could vote in their own home, they welcomed the opportunity.

A write-in ballot team visited the Gurnhams, explained the procedure, and in 10 minutes they were in and out. Said Nancy, "My husband and I both voted, and we were thrilled, absolutely thrilled."

Bruce Gurnham passed away on October 12, 2014.

coordinator. Together with Mark Coffin, he communicated with students and administrators at each university and campus of the Nova Scotia Community College. They promoted the ENS vision for serving qualified electors on campus, explained elector eligibility, planned enumeration and voter registration on campus and prepared contingency plans for a possible vote on campus.

A model of a campus poll was developed and tested, refined and tested again. A communications plan was devised that used on campus media, signage, and radio advertising and social media alerts.

Once the election was called, a schedule of on-campus polls using seven teams of election officers at 13 university and NSCC campuses was put into effect. The returning officers involved hired 26 election officers, most of whom were student-aged.

Advance Voting and Election Day Voting

Poll processes and procedures are identical for advance and election day voting. However, advance polls are open from 10 am to 8 pm on the Friday and Saturday preceding election day while election day polls are open from 8 am to 8 pm on election day. Ballots from both polls are counted after the polls close on election day.

New poll procedures were developed and introduced for the 2013 general election. The poll clerk and deputy returning officer (DRO) were seated at separate tables which helped delineate each position's roles and responsibilities.

On arrival at the polling location, electors were directed to a poll clerk who asked whether the elector had brought their VIC. This card, sent to every elector on the list of electors, speeds the process of verifying or correcting elector information. By far the majority

of electors had their VIC with them. Once the elector's name and address are located on the list of electors, they are struck off to prevent duplicate voting. If the elector's information on the list was incorrect, the poll clerk made appropriate revisions. A Polling Day Card similar in appearance to a VIC and with the elector's identification information was issued.

If the elector's name was not on the list of electors, the elector was asked to provide identification with the elector's name and address or was required to sign a declaration attesting to the information and was then added to the list of electors. As they would not have received a VIC, a Polling Day Card similar in appearance to a VIC and with the elector's identification information, was issued.

The elector was then directed to the specific DRO at the polling station responsible for the polling division in which their civic address was located to present their VIC or Polling Day Card in exchange for a ballot.

The DRO checked the VIC presented for the correct polling division number and the poll clerk's initials, and issued a ballot to the elector to vote.

In a polling location with more than two polling stations, this new procedure allowed electors to go to any poll clerk, rather than only one designated solely for their polling station. It expedited the voting process.

A Voter Tracking Sheet, colloquially called a "bingo card," was introduced at the polling locations at the advance polling locations and on election day. As each elector voted, a line was drawn through the elector's unique identifying number from the list of electors. This sheet was provided to all candidates or candidates' agents on an hourly basis to identify those electors who had voted.



When Esther Chute was born in 1913, women were not eligible to vote, not considered "persons" under the law, and weren't expected to be employed outside the home. For the 2013 Provincial General Election, Esther Chute served as Information Officer at the South Berwick Community Hall in the Electoral District of Kings West.

Returning Officer Karl West commented: "We have an election day worker who is 100 years old. She is as sharp as a tack and a lovely person."

Percentage of Votes Cast by Voting Opportunity 2013

Registered Electors	720,077
Electors Voted	419,091
Election Day Polls	74.4%
Mobile Polls	1.2%
Advance Polls	12.4%
Continuous Poll	9.6%
Write-in Ballot	2.4%

Exit Survey

ENS worked with a Nova Scotia web application developer to design a smartphone survey to gather immediate comments from voters as they left the polls. The test targeted voters at three polls in each of the 51 electoral districts. Using their cellphones to either scan a quick response code (QR code) or text message assigned numbers representing the specific polls, voters were asked three questions. The questions gauged the ease of voting, the convenience of the poll locations, and the level of satisfaction with the election staff.

The 1,200 responses received from the participants in the trial were very positive: 93% reported that casting their vote was easy; 97% said that their poll was conveniently located and more than 95% of respondents were very satisfied with the election staff they encountered.

Election Night Results

When the election day polls closed at 8 pm, the election management system was ready to receive the vote count. The staff at each returning office received calls from each voting location in their district and entered the votes received for each of the candidates. Immediately, the totaled results were displayed in each returning office and, under ENS head office supervision, were directly published to the election night results feature on the ENS website. The data were simultaneously provided to the media consortium to broadcast to the media partners who were members of the consortium.

Election night results were accessed by thousands of Nova Scotians who witnessed the election outcomes in real time, by electoral district and as a provincial total. Once the vote count was done for all districts, the website published the completed preliminary results and the names of the successful candidates.

Please tell us how we did today.

Thank you for coming to the polls and voting today. We want to hear from Nova Scotia voters. Please take a moment to complete a short, 3 question survey that will help us improve your voting experience.

Please take part in our exit survey:

- Use your smartphone and TEXT 01005 to 75309, or
- SCAN the QR-Code below.

For more information call toll free 1-800-565-1504
All information collected will remain anonymous and will be for the sole use of Elections Nova Scotia. Your name and number will not be shared or sold.

ELECTIONS NOVA SCOTIA

Post-Event

Kings North Judicial Recount

On Friday, October 11, 2013, New Democratic Party candidate for Kings North, Jim Morton, petitioned Justice Gregory Warner of the Nova Scotia Supreme Court for a judicial recount following the 2013 Provincial General Election. Justice Warner ordered the recount to be held on October 21, 2013 in the Law Courts in Kentville.

Justice Warner recused himself because he had voted in the general election in the District of Kings North which may have been perceived as a conflict of interest. Justice Michael Wood presided over the proceedings.

Each of the 8,972 ballots cast was reviewed one at a time at one of the five tables of election officers engaged in the recount. If there was a disagreement over the decision to count or not to count a ballot among the candidates' observers stationed at the table, the ballot was next reviewed by legal counsel representing each candidate. If there was still no consensus, the ballot was

brought by counsel to Justice Wood who heard the arguments for and against counting the ballot and made a decision on its validity. A relatively small number of ballots cast were considered by Justice Wood. Four of the 803 (0.5% of the ballots cast) write-in ballots cast in the write-in ballot and the continuous polls were reconsidered. Of the 8,169 "regular" ballots cast in 44 election day polls and four advance polls, two ballots or 0.025% of the ballots cast were reconsidered.

The largest change in the recount resulted from the review of the continuous poll. It was found in the review that there was an addition error when totalling the ballots cast for Jim Morton. This error led to 11 additional ballots counted for the candidate.

The recount confirmed John A. Lohr elected by 21 votes, a reduction of 11 from the official count.

The following table provides details on the adjustments made by Justice Wood:

Candidate	Party	Official votes	Recount votes
Harley, M	GPNS	362	362
Lohr, J	PC	2904	2903
Morton, J	NSNDP	2872	2882
Pearl, S	NSLP	2784	2787
Rejected ballots		50	48

A short version of the Report on the Kings North Recount can be found in the appendices to this report. The full report is available on the Elections Nova Scotia website.

Financial Reporting and Disclosure

The deadline for financial reporting by the candidate's official agents was January 6, 2014. Candidates who were unable to meet this deadline were permitted to request an extension of up to 30 days. More than 50 candidates requested and were granted extensions. The disclosure of contributions received by the candidate was due at the time of the financial report submission. The preliminary reports of candidate election expenses were published on the ENS website within 10 days of receipt. The disclosure report was published in two phases: one in early February, and the second, for the candidates granted extensions, as they were submitted. These were published by individual, by party on the website.

Several issues with the candidate's reports were noted through the audit process. The most significant of these was the issuing of tax receipts outside the permitted period. The official agent may issue tax receipts for contributions received from the date the nomination paper was accepted by the returning officer until election day. The rules around tax receipting are difficult to enforce, and although ENS did not require the official agents to return the contributions that were received outside this short period, ENS will recommend changes to the Act to address the issue.

The Report of the Chief Electoral Officer on the Proceedings of the 39th Provincial General Election held October 8, 2013 is presented in three volumes. Volume III, *Financial Information & Statistics*, will be published in the spring of

2014. It provides financial information on election expenses, candidate reimbursement, election administration costs and financial statistics and may elaborate on Chief Electoral Officer recommendations for improvements in the electoral finance regime.

Election Audits – Measuring the Integrity and Effectiveness of New Systems and Processes

There were four separate audits or reviews carried out with respect to the 2013 general election. The first was a real-time audit of processes and procedures in the field carried out by independent election experts. The second was a review looking into the success or failure to meet student expectations at the polls offered on university and college campuses throughout the province. The third was a compliance audit reviewing whether various voting documents were recorded correctly and completely. The fourth audit looked exclusively at the allegations of voter fraud during the election.

Independent Election Audit

The 2013 Provincial General Election was the first test of the amended Act, new electoral processes, new boundaries, and new returning officers. The Chief Electoral Officer chose to commission an independent and open review to assess these new features.

For many years, election management bodies in Canada have invited colleagues in other jurisdictions to witness their general elections first hand, particularly to gauge the implementation of new policies and procedures.

ENS decided on a different approach: inviting election experts from across Canada to formally audit the election

“Elections Nova Scotia decided on a different approach: inviting election experts from across Canada to formally audit the election and report on the successes, as well as to provide feedback on which new procedures could be improved.”

and report on the successes, as well as to provide feedback on which new procedures could be improved. In May 2013, ENS commissioned Harry Neufeld, former Chief Electoral Officer of Elections British Columbia and the author of the *Compliance Review: Final Report and Recommendations, A Review of Compliance with Election Day Registration and Voting Process Rules* (Neufeld Report) on the problems in the 2011 federal election, to design and plan the audit.

In July, at a meeting of Canada's Chief Electoral Officers, ENS presented the plan and requested the participation of senior election officers from across the country. As well, experienced election officials from the Cape Breton Regional Municipality and the Halifax Regional Municipality were invited to be part of the audit team.

The audit was designed to focus on the processes used in voting, the training provided to election day workers, and the processes around counting ballots and results tabulation.

Key Findings

The audit team found that overall the general election was a success. Among the markers of success identified by the team were:

- The popularity of continuous voting in returning offices;
- Success of student participation at campus voting;
- Successful incorporation of technology at continuous and campus polls;
- Real-time 'strike-off' of voters from the preliminary voters list during continuous voting, which permitted a 'vote anywhere' model from shortly after the writs were issued until the start of advance voting, four days before election day;
- The concept of separating the roles and physical locations of poll clerks and deputy returning officers at voting locations;
- Operational efficiency gains associated with the new model of initial elector check-in with the "next available poll clerk" at voting locations;
- Use of the Learning Management System videos during training, and their availability for election workers to review via ENS website links;
- Design of VICs and the success rate of electors presenting them when checking-in to vote;
- Streamlined voter processing resulting from the use of the VICs as a key control document in voting administration;
- Use of fewer, but larger, voting locations in dense urban areas;
- The innovative concept of providing 'How Did We Do' cards with a QR-code to permit immediate feedback from voters via their smart phones;
- 'Future Voter' stickers for underage youth accompanying electors to voting sites;
- Service orientation of election officials at all levels;
- Telephone support to returning officers at ENS's head office; and
- Computerized tabulation and 'live' on-line reporting of voting results on election night.

During the post-election debrief session, members of the audit team agreed on three broad areas of improvement: simplification, supervision, and sustainability. Within each of these areas, suggestions are aimed at improving the overall integrity of the process by increasing compliance with procedures and rules.

Election Officer Training

- Inconsistent from one electoral district to another;

“The audit was designed to focus on the processes used in voting, the training provided to election day workers, and the processes around counting ballots and results tabulation.”

- Not based on adult learning principles and involved virtually no hands-on exercises;
 - Frequently over-dependent on use of video clips;
 - Not adequately oriented to someone with no previous election work experience;
 - Generally too long in duration to keep participants’ engaged; and
 - Did not equip participants with the basic knowledge they needed to be immediately effective in their roles.
- (thereby delaying results reporting); and
- Often delayed due to legal requirements for witnesses to be present in the absence of candidates’ agents.

Vote Results Tabulation

- Frequently lacked adequate quality controls to ensure accuracy;
- Often performed in a physically chaotic atmosphere of election night ballot box returns.

It must be noted that none of the general shortcomings listed above were regarded, by any of the observing auditors, as involving “irregularities” in establishing individuals’ entitlement to vote, or in any way permitting ineligible persons to cast ballots.

In addition, the audit includes a number of recommendations for legislative changes, many of which have been incorporated in the Chief Electoral Officer’s recommendations.

The full audit report is included as an appendix to this publication. A PowerPoint summary of the audits findings, narrated by the lead consultant, Harry Neufeld can be found on the ENS website.

Voting

- Some locations not suitable for voting, or inadequate for the numbers of electors assigned to vote at that location;
- Involved a significant number of election officers not following required procedures and not being provided adequate supervision or oversight to address issues early in the process;
- Did not always facilitate secrecy of ballot choices;
- Inconsistently staffed and organized; and
- Infrequently observed or attended by volunteer agents (scrutineers) appointed by candidates.

Ballot Counting

- Inconsistent procedures from one location to another, and even between ballot counting teams at the same voting location;
- Often involved the counting of marked ballots before undertaking the reconciliation of how many ballots should be legitimately available for counting;
- Not always well-controlled by election officers or effectively supervised by location supervisors;
- Sometimes results were not called in until all polls in a multiple poll location were finished their counts

Campus poll

University	Total voted at campus poll	Percentage of estimated eligible student electors who voted
1. Acadia	211	8.4%
2. CBU	106	4.6%
3. Dalhousie	539	5.1%
4. King’s	207	24.4%
5. Mount St. Vincent	186	6.2%
6. Dal Ag	42	5.6%
7. NASCAD	94	11.8%
8. St. F X	380	10.6%
9. St. Mary’s	254	6.2%
10. Univ. Ste. Anne	55	22.0%
Total	2074	7.2%

NSSC Campuses

1. Akerley	63	5.7%
2. Annapolis Valley	26	16.2%
3. IT	189	18.9%
4. Kingstec	85	8.9%
5. Lunenburg	46	11.5%
6. Marconi	38	3.6%
7. Pictou	103	17.2%
8. Strait Area	118	23.6%
9. Truro	60	7.5%
10. Waterfront	135	5.6%
Total NSSC	863	9.7%

Total all campuses 2937 7.8%

Campus Poll Review

In his post-event survey and analysis, consultant Mark Coffin reported that “the general feeling towards the campus vote initiative was overwhelmingly positive. Most interview participants echoed their own original sentiments from the summer outreach meetings, that it is important to make voting accessible for students, especially considering those who are doing it for the first time.”

Compliance Audit

In light of the non-compliance problems identified in the 2011 federal general election in Etobicoke Centre,

the Chief Electoral Officer of Canada ordered a comprehensive review of adherence to policies and procedures in the field. In the consultation report delivered, Compliance Review – A Review of Compliance with Election Day Registration and Voting Process Rules (also known as the Neufeld Report), auditors focused on causes and potential solutions to a systemic problem of non-compliance with administrative rules and procedures on the part of temporary election officers who work at polling stations that could affect the integrity of the election.

The Nova Scotia compliance audit was designed for ENS by Mark Lawson, Deputy Electoral Commissioner for New Zealand Elections. Mr. Lawson was seconded to Elections Canada on assignment and was a key member of the federal compliance review team. He was made available to ENS to provide the framework and guidance for the audit.

The compliance audit focused on the following questions:

- **Were the voting documents recorded correctly and completely?**
- **Were voters struck-off the list of electors correctly?**
- **Were the voter registration forms correctly completed for voters not already on the list of electors?**

ENS employed a team of 14 election officials to review a random sample of election day polls, advance polls, mobile polls, continuous polls, and write-in ballot polls. The audit was conducted over three weeks and compiled for analysis.

The compliance audit uncovered significant gaps in correctly completing and returning the Statement of Poll – the record of the vote tally. As well, Form 416, the Elector Information Form, used to add an elector to the Register or to correct information about an elector

on the list of electors, was found to be incomplete 20% of the time. Further, the electors for whom Forms 416 were completed were found to not have been added to the register 20% of the time. As well, more than 5% of the declaration forms used to attest to information about electors were found to be incomplete.

The auditors ascribed these problems to inadequate training and retention which will be addressed over the course of the next year.

As a result of the issues identified by compliance audit, ENS plans to:

- review the procedures used at the close of polls, i.e., the recording of the ballots cast and the accounting of ballots
- review and emphasize the training of the procedures used at the close of polls
- update the forms used to register or update elector registration information address
 - ensure that the identification used in the registration process is recorded
 - provide clearer indication in the mandatory fields of the voter registration forms.

Investigations of Allegations of Voter Fraud

During the election and shortly thereafter ENS became aware of allegations of voter fraud. The allegations came in two forms: that a number of voters voted more than once, and that voters who were ineligible voted. ENS was informed by a few complaints, and as a component of generating the Final List of Electors.

As a result of these claims ENS retained two returning officers to thoroughly investigate all allegations. Leading the investigation were Krista Daley, Returning Officer for Halifax

Citadel-Sable Island and the former chair of the Human Rights Commission and Michael Baker, Returning Officer for Hammonds Plains-Lucasville and former investigator for the Canadian Security Intelligence Service (CSIS) and the RCMP.

One of the allegations was that three individuals who were not eligible electors voted in the Lunenburg electoral district. The investigation confirmed that one individual was not a Canadian citizen and voted. The individual reported that he believed himself eligible and entered into a compliance agreement with the Chief Electoral Officer.

There were 75 electors identified for investigation who may have voted more than once based on complaints received, through updating the register of electors to indicate which electors voted in the 2013 general election, and through processing all elector registration forms. Each case was thoroughly reviewed. The investigation confirmed that two electors, both over 80 years-old, were allowed to vote a second time. In each case, the elector insisted to election officials that they had not previously voted even though the elector's name was marked on the list of electors as voted. The Chief Electoral Officer, on review of the findings, decided to not proceed further in these two cases.

Each of the remaining 73 cases was attributable to election official error, crossing-off the wrong name on the list of electors, or in error, marking the wrong name in the EMS elector database.

There was no supportable evidence of voter fraud found in the 39th Nova Scotia Provincial General Election.

Other Lessons Learned

After the Provincial General Election ENS staff met with key suppliers to review the activities, the services delivered, and the issues uncovered during the election. What follows is a brief description of some of the issues and ENS' plans to improve the address the issues.

Canada Post Corporation (CPC)

ENS relies on CPC to manage the delivery of more than 700,000 Voter Information Cards to registered electors. CPC is the only service provider that regularly visits each residential address in the province. ENS meets with CPC prior to each election to ensure the highest standards of delivery and to manage any potential delivery problems. ENS and CPC also facilitate communications between local returning offices and postmasters to resolve local delivery issues. While the service level is reasonably good and by far the majority of the VICs are successfully delivered within the agreed timeframe, the same problems have been noted from election to election with the same frequency.

One issue relates to the quality of the mailing addresses. There are a few examples of addresses that do not meet the CPC mailing standard that are delivered. This number is small compared to the number of VICs that meet the standard and are not delivered. Often, through working with the local postmaster, a portion of these cards are re-introduced to the mail stream and are successfully delivered. Others require readdressing to suit the local postmaster's specifications. Troubleshooting the failure to deliver VICs is time consuming for returning office staff when time is at a premium. ENS will continue to work with CPC to identify and work through the issues.

“ There was no supportable evidence of voter fraud found in the 39th Nova Scotia Provincial General Election. ”

As a customer that meets CPC's volume and mail preparation requirements, ENS qualifies for incentive lettermail discount pricing. With the recent increase in the stamp price for incentive lettermail delivery and anticipated increase(s) before the next Provincial General Elections, ENS must rethink the current method of informing electors of their options to vote. ENS projects that the cost of distributing VICs will likely exceed \$600,000 in 2017 (\$385,000 in 2009; \$464,000 in 2013.)

Public Call Centre

ENS received one response to the request for proposals for a public call centre for the general election. A call centre firm located in Ontario was awarded the contract. The standards of service imposed in the contract were routinely met or exceeded by the service provider and the price per call was less than that paid for the 2009 general election. These facts notwithstanding, there were complaints received from the general public that the 1-800 call centre was not intimately aware of Nova Scotia geography.

ENS queried a select sample of call centre providers in the Maritimes with respect to the lack of response from local service providers to the request for proposals. Reasons provided ranged from "too busy" to "unable to meet the requirements".

Bell Aliant

Bell Aliant provided many technical services including email support for returning offices; database contingency; phone and mobile phone services. In general, ENS commends Bell Aliant on the services provided; however the following issues were identified.

Physical assessment is required of all potential returning offices prior to the election event. Bell Aliant teams should access all identified locations to assess

and plan for installing telephone and internet lines at the location. Depending on digitally available information about the availability of such services in the area is not enough.

Setting up the returning offices with telephone and internet lines took around five to six hours in some locations while it could have been completed within two to three hours at most had the installation been better planned.

ENS is not satisfied with the number of service technicians provided for the installations. Bell Aliant did not meet the contracted service level to ensure returning offices were up and running within the specified timeframe. ENS will review the service agreement to hold the supplier to a higher standard of service.

Armour Transportation Systems

Armour was responsible for all courier and trucking services on behalf of ENS. Armour was able to meet challenging deadlines in the number of deliveries and range of materials delivered. Armour delivered a total of 168 skids to 56 locations throughout the province within 48 hours of the issuance of the writs of election.

One area that was met with heroic effort was the delivery of the out-of-district write-in ballots. These ballots were collected in each of the 56 returning offices and satellite offices and grouped into courier deliveries from each of the office to potentially each of the other offices. In total, 5,894 ballots were transferred through 500 courier shipments across the province. These had to be picked up on the day before election day and delivered by the close of voting on election day.

ENS was satisfied with the quality of service provided by Armour throughout the event.

As this was the first election where out-of-district voting was allowed, ENS believes that the use of this opportunity

“ Armour delivered a total of 168 skids to 56 locations throughout the province within 48 hours of the issuance of the writs of election.”

is likely to grow. ENS must investigate alternative methods to ensure that these ballots are counted and included in the results on election night.

Ballot Printing

In past elections, each returning officer was responsible for contracting ballot printing in his electoral district. In review of this process in past elections ENS determined that by centralizing ballot printing, service improvements, cost efficiencies and quality improvements could be realized. In June of 2012, ENS began a process to contract regional ballot printers who would be responsible for the ballots in one of seven regions of six to nine electoral districts. This open procurement process led ENS to contract with three regional printers and to verify their capabilities in meeting the contractual obligations.

When the writ was issued, ENS was in the final review sample ballot books created by the printers. During the election it was found that there remained some quality issues in the stapling and perforation of the ballots printed. ENS's analysis is that further work is required to improve the quality of ballot books. However, the move to centralized printing of ballots was a success and ENS plans to work more closely with the printers and continue the centralized printing approach.

Enforcement of the Elections Act

The Chief Electoral Officer is responsible for ensuring that the Act is complied with and enforced. Prior to changes made to the Act in 2012, the only enforcement tool in the Act was prosecution. The new Act has enhanced the compliance role of the Chief Electoral Officer.

The Chief Electoral Officer has been given authority to enter into a compliance agreement with anyone

the Chief Electoral Officer believes, on reasonable grounds, has committed, is about to commit or is likely to commit, an act or omission that could constitute an offence under the Act.

A compliance agreement is a voluntary agreement between the Chief Electoral Officer and the person (the contracting party) in which they agree to terms and conditions that the Chief Electoral Officer considers necessary to ensure compliance with the Act. A compliance agreement may include a statement by the contracting party in which he or she admits responsibility for the act or omission that constitutes the offence. It is important to note that the admission of responsibility does not constitute a criminal conviction by a Court of law and does not create a criminal record for the contracting party.

In order to maintain transparency, a notice that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement is made public.

In the months leading to the election, the Chief Electoral Officer met with senior members of the Royal Canadian Mounted Police, the provincial police service of Nova Scotia, to plan how the RCMP would support investigations of breaches of the Act. Two RCMP officers received training on ENS election procedures and the nature of complaints received by ENS.

During the 2013 Provincial General Election, ENS received numerous complaints ranging from unwanted signs placed on private property and denial of access to candidates and their agents canvassing apartments and condominiums to third party advertisers failing to register with ENS and allegations of ineligible persons voting.

Most complaints were investigated by ENS staff and resolved with the cooperation of candidates, their agents

“ During the 2013 Provincial General Election, ENS received numerous complaints ranging from unwanted signs placed on private property and denial of access to candidates and their agents canvassing apartments and condominiums to third party advertisers failing to register with ENS and allegations of ineligible persons votings. ”

and the registered parties. In a half dozen instances, the RCMP was asked to investigate probable breaches of the Act and to prepare for charges under the Act, if warranted.

To this date, the Chief Electoral Officer has entered into compliance agreements with nine individuals or organizations. Two investigations are continuing.

Recommendations of the Chief Electoral Officer for Legislative Change

Consultations with the Election Commission

Most readers of this report would be unaware of the important role the Election Commission plays in electoral reform in this province. Many of the innovative changes that were introduced in this past general election benefitted directly from the cooperative and collaborative input of the commission members.

The consultation between the Chief Electoral Officer and the Commission to review and modernize the provisions of the Act is ongoing. While many of the recommendations advanced in this report have been discussed with the Election Commission, some before and others since the most recent election, each recommendation will be discussed in detail with the members. The more complex issues with less obvious paths to resolution will be subject to broad consultation and deliberation with the Commission and others before being brought forward for the legislators' consideration.

While the advice we receive from the Election Commission is valued, it should be clearly understood that deliberations with the members are intended to provide guidance to the Chief Electoral Officer. The recommendations contained in this or any report should not be taken as having the endorsement of all members of the Commission unless specifically mentioned that consensus has been reached.

Consultations with the Caucuses of the Registered Parties

It is the responsibility of members of the Election Commission to brief their respective caucuses on their discussions of electoral process reform held in meetings with ENS. It is our understanding that Elections Nova Scotia has not directly interacted with the members of the registered parties' caucuses in recent years. Because this report contains a large number of administrative changes that would have a significant impact on how provincial elections are administered in Nova Scotia, the Chief Electoral Officer is prepared to have ENS senior staff meet with and respond to questions raised by caucus members at the request of and accompanied by an Election Commission member.

Fixed Date Elections

Perhaps the most important recommendation in terms of the effect its introduction would have on election operations is the institution of fixed date provincial general elections. Nova Scotia is the only province that hasn't enacted fixed date election legislation. As well, the Government of Canada and two of the three territories also have fixed date elections.

The benefits to event preparation and management are evident. Associated with these operational advantages is cost savings in procurement of supplies and services, the leasing of offices and polling locations and, most significantly, in training. Training is typically scheduled every 6 months after the first year in a minority government scenario and after 3 years in a majority

“ Perhaps the most important recommendation in terms of the effect its introduction would have on election operations is the institution of fixed date provincial general elections.”

government scenario. The cost of refresher training for election workers would be approximately \$280,000 per occasion based on the 2013 experience. Other savings could be realized for rental of space; communications set up, and prearranged transportation services. It is estimated that a fixed election date could save up to \$500,000.

Concurrent with the financial benefit derived from knowing when field staff will be trained (without the requirement to re-train) is an improvement in quality of staff performance and risk management in field operations.

Many other improvements in operations discussed in this report are tied to fixed date elections. Among these are: the potential for ENS to coordinate with the Department of Education and school boards to schedule an existing teacher professional development day across the province to coincide with election day which would facilitate the use of schools as polling locations. This in turn, improves the physical accessibility of polls, the efficiency of multiple polling locations, the addition of parking at polling locations, the easy identification and visibility of polling locations in communities, etc. As well, fixed date elections on a professional development day may increase the number of 17 and 18 years old available as election workers.

In Canada, there are two models for fixed date elections. The first, used by all but one provincial jurisdiction in Canada, has an established fixed date and a four-year term. The second model, in place in Alberta, sets an approximate four-year term with an election to be held between March 1 and May 31 in the fourth year of the government's mandate on a date determined by the government. While there are savings and a degree of predictability to be found in both alternatives, the second

makes the possibility of coordinating election day with a planned professional development day in the school system more difficult.

The Chief Electoral Officer recommends the establishment of fixed date elections.

Recommendations for Candidates, EDAs and Parties

Candidate Nominations Earlier

Dependent on the introduction of fixed-date elections, the certainty of election day allows candidates to be nominated earlier and to use the complete election period for campaigning.

The number of electors choosing to use one of the new voting opportunities has grown significantly and will continue to grow as more electors understand the choices available to them. This in turn will change how candidates campaign. An early nomination date will permit ENS to offer electors a ballot with the names of the candidates in their home district on demand at any returning office in the province. This should eliminate the mistakes made by electors using write-in ballots and reduce the number of ballots rejected at the count to those electors who wanted to spoil their ballots.

In the event that a government does not reach full term to the date fixed for a provincial general election or in the case of a by-election, the Chief Electoral Officer recommends that the close of nominations be set to the fifth day after the issuance of the writ of election to provide the parties with additional time to complete their nomination processes. Electors choosing to vote before nominations close would use the traditional write-in ballot as is currently the case.

The Chief Electoral Officer recommends moving the close of nominations to coincide with the issuance of the writ of election for fixed date provincial general elections.

Return of Candidate Deposits

The Act currently reimburses nomination fees only to the candidates who receive no less than 10% of the vote in their electoral district in the belief that it deters frivolous candidatures. In fact, in 2013 Provincial General Election, 26 candidates (seven NSNDP, three PC candidates, and 16 Green Party candidates) representing registered political parties failed to meet the 10% threshold.

The Chief Electoral Officer recommends that nomination deposits of \$200 per candidate be fully refundable to all candidates upon completion of the financial submission by the official agent.

Candidate Eligibility for Expense Rebate

In the 2013 election, of the 176 candidates who ran, 143 were eligible for reimbursement. Of the 33 who did not receive 10% of the votes, many spent nothing. A total of 26 candidates representing registered political parties failed to meet the 10% threshold. Currently, the Act permits a candidate to request a chief electoral officer recount of all the ballots cast in the electoral district for the sole purpose of determining whether a candidate received the required percentage of the valid votes cast in an election to be entitled to reimbursement of election expenses. In this past election, a candidate did request and was granted this form of recount. The recount confirmed that the candidate did not meet the 10% threshold.

Were the threshold removed, the total cost of reimbursement, currently estimated to be \$2,300,000 would have increased by an additional \$165,000 in 2013. This likely underestimates the additional cost of reimbursement for future elections because candidates who will not meet the 10% threshold will likely spend more money knowing the first \$20,000 spent will be eligible for reimbursement. The additional cost notwithstanding, it is believed that removing this restriction would advance the goal of leveling the playing field and encourage greater participation in the democratic process.

The Chief Electoral Officer recommends removing the 10% vote threshold, authorising all candidates to receive reimbursement for election expenses.

Allow Candidate Remuneration from Employers

Under the current Act (s. 236(7)), candidates are not permitted to receive remuneration from an employer. This has been raised as an issue since the MLAs running in an election receive payment and benefits up to the last day of the month in which election day falls. A step toward levelling the playing field would allow an individual with a minimum 6 months fulltime employment with an employer to receive a paid leave of absence to be a nomination contestant or candidate at the same rate of pay during the writ period. The continuation of salary and benefits would not be deemed a contribution of the employer. Other workers on the campaign would not be permitted to receive payments from employers as they would be ineligible contributors.

The Chief Electoral Officer recommends that candidates may continue to receive employment remuneration which would not be regarded as a contribution by the employer.

The Use of Communication Devices in the Polls

The use of communication devices in the polls was totally banned because they were disruptive to the voting process. The ban was rescinded for designated election officers to facilitate communication with the returning office. This practical change was introduced to avoid having poll officials guessing at answers to difficult questions or delay in reporting exceptional circumstances that require the immediate attention of the returning officer. Allowing candidate agents to have their mobile devices on vibrate or silent, receive and send emails and texts to their campaign headquarters with the latest information on their “bingo sheets” without having to disrupt the voting process is a practical change that should benefit all stakeholders. A strict prohibition would be maintained against any voter using a communication device for any purpose in the poll and any agents talking on the phone, recording videos or taking pictures inside the polls.

The Chief Electoral Officer recommends that the limited use of communication devices in the polls by candidate agents be permitted.

Provision of Lists of Electors to Candidate Campaigns

In the 2013 general election printed copies of the lists of electors (preliminary, revised, official and final) were generated and available to every

registered candidate. These lists are an average of 500 pages in length. Printing the lists required valuable resources at times of high stress in each of the returning offices. Returning officers also provide the candidates with digital copies of the list at the same time. The majority of these printed copies were not picked up or used by the candidates’ representatives. This current practice wastes time, money and resources.

The Chief Electoral Officer recommends that lists of electors be made available to candidates in digital format and only be made available in printed form by request in advance of the legislated release dates.

Amend Election Advertising Rules

Under the general heading of election advertising, the Chief Electoral Officer recommends amendments to a number of sections of the Act.

Campaign Signage Rules

Currently the Act requires that once a writ of election is issued, all election advertising must include the phrase “Authorized by the official agent for....” By far the majority of complaints received from the general public, candidates and their campaigns are that the campaign signs do not include this phrase. In most cases the notice is there, but is too small to be readable. When asked to “check for the fine print,” complainants are usually angry that they have wasted their time and that campaigns abuse the obvious intent of the rules.

“Authorized by the official agent for....” By far the majority of complaints received from the general public, candidates and their campaigns are that the campaign signs do not include this phrase.”

The Chief Electoral Officer recommends that the phrase “Authorized by the official agent for ...” be displayed in a font size that is proportional to the size of the font used to display the name of the candidate and further that the colour used for the phrase contrasts with the background on which it is placed.

MLA Constituency Office Signage

In some cases, it has proven to be impractical to take down or cover up the signage on constituency offices. In recognition of this, during this general election MLAs were informed that if they couldn't take down or cover up their office signage then they needed to add the phrase “Authorized by the official agent for....”

The Chief Electoral Officer recommends that constituency office signage be exempt from the rules governing election advertising.

Remove the Prohibition Against Election Advertising on Election Day

Section 273 was added to the Act at Law Amendments Committee in 2012. It prohibits election advertising on election day but does not treat all forms of election advertising uniformly.

As examples:

- Campaign signs, billboards, websites or ad banners on a website in favour of a party or candidate erected before election day do not have to be removed on election day.
- An ad placed in the newspaper for a party or candidate that is allowed the day before election day cannot be run on election day.
- An advertising ban on election day frustrates parties' and candidates' efforts to offer transportation to the polls.

- Pamphlets or flyers may be delivered on election day.
- Ads placed in weekly papers are acceptable as long as they are not published on election day (Tuesday).
- Tweets and other forms of social media are exempt.

The question must be asked, “In an event that relies completely on campaigning, reaching out with party platforms to electors to help them make an informed choice, who are we protecting with this ban?”

The Chief Electoral Officer recommends that the ban on election day advertising be rescinded.

Amend Election Finance Rules

Tax receipts Issued by Registered Parties

With fixed election dates, it is anticipated that more candidates will register earlier and therefore, more fundraising by candidates will occur in the months leading up to writ day. Contributions received before the writ is issued are only eligible for tax receipts if they are made to a registered party. In the 2013 general election, more than 60 candidate's official agents received letters from ENS regarding breaches of the Act for issuing tax receipts outside the allowable period. If all tax receipts were issued by the registered party embarrassing errors such as these and others which require refunding part or all of the contribution including surpassing contribution limits by individuals, contributions by non-residents and contributions by organizations would be significantly reduced.

A plan is in place to introduce an electronic issue of tax receipts that can be data entered in the field but approved

“A plan is in place to introduce an electronic issue of tax receipts that can be data entered in the field but approved by the official agent of the registered party, reducing the level of effort for the parties.”

by the official agent of the registered party, reducing the level of effort for the parties.

For independent candidates, the option would remain to receive tax receipts in paper format that would be used during the eligible period. The period that contributions could be accepted and issued tax receipts would remain the same as the current legislation, from the acceptance of the nomination papers by the returning officer and election day. The tax receipts would be sent out from ENS headquarters to the candidate's official agents, when required.

The Chief Electoral Officer recommends that candidates, who are associated with a registered party, may not issue tax receipts.

Require Candidate Sign-off of Reports Prepared by Their Official Agent

During the 2013 election, several candidates were not made aware whether their official agent had filed on their behalf, requested an extension, or had issues that would prevent them from sitting in the legislature (s.263). While the requirement for certification under Section 229(1) by the official agent is good practice, it is the candidate who ultimately suffers the consequences of the failure to file either through embarrassment or inability to sit in the Assembly.

The Chief Electoral Officer recommends that the candidate also be required to sign the financial submission as a declaration that it has been reviewed by the candidate.

Assess Penalties for Late Filing

The filing of financial reports, even though the deadline was extended by 30

days since the 2009 election, has been problematic. It is recommended that a penalty for each day late is introduced. The New Brunswick Elections Act includes a daily penalty of \$50 for each day the report is late. In British Columbia, the fine is a flat \$500.00. The publication of contributions and election expenses is delayed by late filings of these reports.

The Chief Electoral Officer recommends that a penalty, either daily or flat fee, be introduced to encourage timely financial reports.

Changes to Names of Party and Candidate Representatives

Discussions with the official agents of the registered parties have pointed to confusion of terms related to agents of a candidate.

Candidate's Agent

The candidate's representatives that observe the voting processes in the polls are often confused with the candidate's official agent.

The Chief Electoral Officer recommends renaming the candidate's agent at the polls to scrutineer.

Official Agent of the Electoral District Association

The candidate's official agent and the electoral district association's official agent are often confused.

The Chief Electoral Officer recommends renaming the Electoral District Associations official agent to Treasurer.

Compliance and Enforcement

Changes to the Act introduced in 2011 included the introduction of the Compliance Agreement as a measure short of formal charges as a response to breaches of the Act. The experience of the 2013 election leads the Chief Electoral Officer to recommend the introduction of additional enforcement tools in a compliance and enforcement continuum to help achieve greater compliance with the Act.

The first step is communication with regulated parties. In instances of breaches with relatively minor consequences, the Chief Electoral Officer proposes to send a notice of non-compliance alerting the offender of the breach and warning against further breaches. Repeated or continued breaches, as well as more serious transgressions would warrant a formal compliance agreement which could include undertakings by the offender as well as public disclosure of the agreement on the ENS website.

If a compliance agreement cannot be reached between the Chief Electoral Officer and the offender or where the offence itself warrants a stronger response, and the Chief Electoral Officer believes it is in the public interest, the Chief Electoral Officer would refer the matter to the RCMP for investigation.

The reporting of enforcement actions taken by ENS encourages greater compliance and informs the public of any non-compliant activities undertaken by regulated parties. Information protected by the *Access to Information Act* or the *Privacy Act* will not be made public.

Those who enforce the law and regulations, and those who must comply, need to understand how they will be applied. ENS will keep records of offences to ensure consistent

application of the law and report on compliance and enforcement in the Chief Electoral Officer's annual report.

The Chief Electoral Officer recommends the addition of a Notice of Non-Compliance for the purpose of ensuring compliance with the Elections Act.

Recommendations Affecting Elector Registration and Voting

On-Line Elector Registration

Recent amendments to the Act and the procedural changes and added voting opportunities have removed most obstacles that had made voting difficult for some electors.

An area left to be addressed is registration of electors. While the vast majority of electors over 24 years of age are on the Register of Electors, that record is not as positive for electors under 24. In 2013, the Register of Electors captured 93% of the eligible voting population of Nova Scotia based on the Statistics Canada's Nova Scotia eligible population of 758,822 persons. However, only 57% of eligible electors aged 18-24 were registered compared to more than 95% of eligible electors over 34 years of age.

In addition, ENS is challenged to maintain the correct address for electors who do not have a driver's license. ENS will be informed if an elector votes in a federal or municipal election, or through the filing of income tax (and authorizing Canada Revenue Agency to share the elector address data with Elections Canada), however, these elector address updates suffer from timeliness, coverage and quality issues.

The experience of Elections Canada and Elections British Columbia leads us to believe that, in concert with other initiatives, on-line and phone

“only 57% of eligible electors aged 18-24 were registered compared to more than 95% of eligible electors over 34 years of age.”

registration will improve coverage, currency and accuracy of the Register of Electors. The 2013 election audit team supported this by recommending online voter registration to the Chief Electoral Officer.

ENS proposes to work cooperatively in the development of a new registration system with election officials at Halifax Regional Municipality and the Cape Breton Regional Municipality who already have experience in on-line registration and with whom we share the list of electors for election purposes.

The Chief Electoral Officer recommends that introduction of registration of electors on-line or by phone.

Request for Elector Identification at the Polls

Electors in provincial elections in Nova Scotia do not need to show identification when they vote. The proposal being put forward is to have election officers request identification at the time of voting. Electors who do not have appropriate identification would be required to sign a declaration attesting to their name, address and eligibility before being permitted to vote.

This should not be an onerous imposition on electors. Increasingly, electors come to the polls prepared to show identification – largely because of the requirement at federal elections. A request for identification at the polls would not only facilitate streaming electors for quick service but also help improve the data in the Register of Electors by checking the information on their identification against the information on the list of electors and making the appropriate changes where differences are observed.

The Chief Electoral Officer recommends that election officers request voter identification at the time of voting. Electors who do not have appropriate identification would be required to sign a declaration attesting to their name, address and eligibility before being permitted to vote.

Add Voter Information Card to the List of Prescribed Form of Identification

A combination of elector identification that includes their VIC will speed the voting process. We estimate that eight out of ten electors already bring their VICs with them to the poll. As discussed elsewhere in this report, because of the method of collection of the data, the high mailing address accuracy and the constant effort to remove duplicate names from the registry, the VIC is the most current and accurate name and address document available to electors in Nova Scotia. As an example, a VIC coupled with another piece of identification displaying the elector's name, may be superior to showing a driver's license, the piece of identification most electors would show to prove their identity. The VIC has an address accuracy rate significantly higher than that of a driver's license.

A VIC could not be used as identification in isolation. An elector must be able to present a second piece of acceptable identification displaying the elector's name or sign a declaration attesting to the elector's name and address.

The Chief Electoral Officer recommends that the Voter Information Card be added to the prescribed list of acceptable form of identification.

“ The VIC has an address accuracy rate significantly higher than that of a driver's license. ”

Reconsider Partisan Appointments of Election Officers

The 2013 Election Audit Team recommended removing the provision of the *Elections Act* that has election officers nominated by the political parties that came in first and second in the last election. The primary reason is that the independence of the management of elections has progressed well in Nova Scotia and this is the last vestige of political appointment associated with elections.

The current practice in Nova Scotia presents a number of challenges to good management.

Firstly, electoral district associations and campaigns are increasingly challenged to provide workers for the polls – particularly in urban areas – and, after reserving workers for their campaigns, they have found it difficult to nominate sufficient numbers of election officers to meet ENS requirements. In a post-election survey of returning officers, only seven of the 45 returning officers who responded received sufficient names to fill their deputy returning officer (DRO) and poll clerk positions. Five of the seven were in Cape Breton. Often the same names appeared on lists from more than one party. Almost all returning officers in urban districts, including 16 in HRM, received few or no names from the parties.

Secondly, the responsibilities and duties of the two main positions traditionally divided between the two leading parties in each electoral district, the deputy returning officer (DRO) and poll clerk, have changed significantly and the distinction between these two roles, as well as their job descriptions, have changed dramatically. These election officers must have a higher skill set than was required in the past and must

be able to follow procedures precisely or risk the integrity or the perceived integrity of the election.

Returning officers have reported increased difficulty training nominated workers who come with promises of a specific position in a specific location based on the statutory entitlement.

While it is preferred that worker nomination be discontinued, we recognize that many returning officers have a difficult time finding sufficient numbers of potential workers to fill the required positions. A workable compromise is one in which all parties and candidates are given the opportunity to nominate election workers without tying their nominations to specific positions. A standard test developed by ENS would be administered and the returning officer would use the results to appoint workers to appropriate positions accordingly. Nominees identified through this process from the parties that came first and second in the last election would be given priority status for training and testing over other applicants.

The Chief Electoral Officer recommends changing the statutory entitlement of the parties that came first and second in the previous election to provide names designated for specific election officer positions. Nominees identified by the parties that came first and second in the last election would be given priority status for training and testing over other applicants.

Early Provision of Lists of Election Workers

Returning officers must have sufficient time to evaluate, appoint, and train all poll workers. The introduction of fixed-date elections should facilitate candidates and their teams to

“ Following the recommendation of the 2013 Election Audit Team, the Chief Electoral Officer recommends abandoning the practice of having the parties which came first and second in the previous election provide lists of names for designated election officer positions.”

contemplate potential names for their lists much earlier in the campaign.

The Chief Electoral Officer recommends that the provision of lists of potential election officers would have to be received earlier in the election calendar.

Harmonize Early Voting Opportunities

The recommendation of the election audit team was that Elections Nova Scotia merge early voting opportunities – continuous voting, write-in voting and advance voting – into one offering, with the capability of introducing a ‘crescendo’ of available locations, all closing on the weekend prior to election day.

Currently, the requirement for different processes for different voting methods leads to higher risk of administrative error.

The use of the write-in ballot to vote would continue in specifically prescribed situations including voters who are out-of-province, incarcerated and Canadian Armed Forces voters.

The Chief Electoral Officer to recommends improving the early voting opportunity procedures, reducing the number of forms associated with the voting opportunities, and harmonizing procedures to remove artificial differences between the various voting methods.

Using Technology in the Polls

Introduce On Demand Ballots in Early Voting Opportunities

The merging of early voting opportunities coupled with the requirement to have access to the internet at all polls would allow elections

officers to identify each voter and to strike them off all lists of electors province wide as they vote. It would also permit the election officers to print a ballot for the voter with the names and party affiliations of the candidates as they would appear on the election day ballot.

This would be an important advancement for several reasons. Currently the elector must fill out a write-in ballot with either the name of the candidate or the registered party they wish to vote for or both. This may put some voters in a difficult position. For instance, the voter may be functionally illiterate and unable to write either the candidate’s name or the party. They may have entered the poll thinking that they could just make a mark on a ballot. Similarly, the voter could be interested in voting for a specific candidate but they be unsure of their name and how to spell it and be reluctant to make a mistake that may cost them their vote.

The number of rejected ballots in the 2013 election almost doubled from the totals witnessed in 2009 (1,520 to 2,950). A sample review of the rejected ballots revealed an increase in intentionally spoiled ballots. Many other ballots were rejected due to errors made by the elector incorrectly naming the candidate or the candidate’s party. Ballots printed on demand would all but eliminate manual errors made by electors when casting their vote.

As well, on demand ballots used in conjunction with a vote tabulating machine recommended below would not only identify the home district of the elector casting the ballot but also their polling division. Currently this information coveted by party analysts is lost in all early voting opportunities. More than 20 percent of the results in 2013 could not be associated with a

“The number of rejected ballots in the 2013 election almost doubled from the totals witnessed in 2009 (1,520 to 2,950). A sample review of the rejected ballots revealed an increase in intentionally spoiled ballots.”

specific polling division. At some point after the election, this information could be shared with the registered parties.

This significant change to the current models can only be made possible if two other recommendations are enacted. Nomination day for candidates must be moved back to the day the writs of election are issued and this is only practical if there is a fixed election date.

The Chief Electoral Officer recommends the use of on-demand ballots printed at the poll to be used in polls before election day.

Vote Tabulators

To further capitalize on reducing the number of forms associated with the voting opportunities, and harmonizing procedures to remove artificial differences between the various voting methods, the Chief Electoral Officer recommends the use of vote tabulators for the counting of ballots cast in the new harmonized continuous poll. This recommendation is brought forward for the following practical reasons:

- Currently, the counting of the ballots in write-in ballot poll, the continuous poll and the advance polls takes several hours to complete. With the introduction of the ballot on demand with the candidates' names and party affiliations for the electors home district, vote tabulators would deliver the results to candidates' agents and returning office staff within minutes of the close of polls. The media consortium and the ENS website would have access to those results shortly thereafter.
- Most early voting opportunities have more than one ballot box to count. To reduce the time it would take to count multiple ballot boxes, returning officers hire two additional election officers to count each additional box at a cost of \$24,000. The use of a vote tabulator would remove this need and reduce the costs associated with producing the count on election night.
- The labour costs associated with counting the ballots cast in the write-in and continuous polls would disappear as would any costs paid to observers of the count for these polls.
- A tabulator could count the ballots cast in the poll for every electoral district. This would not only reduce the cost of couriering packages of ballots to each home district to be counted but also reduce the risk of losing ballots transported around the province. Couriering ballots to home electoral districts cost \$9,000.
- As stated above, on demand ballots used in conjunction with a vote tabulating machine would facilitate identifying the home district of the elector casting the ballot and their polling division. At some point after the election, this information could be shared with the registered parties. More than 20 percent of the results in 2013 could not be associated with a specific polling division.
- Because there are on demand paper ballots for every voting elector, results generated by a tabulator can readily be audited for accuracy at any time.
- Returning officers tend to have many of the most experienced and competent election officers work in advance polls. Current rules require them to be present to count ballots on election night to start counting the advance votes at 8 p.m. Relieving them of this responsibility, frees up knowledgeable personnel to be strategically placed at a potentially problematic poll on election day.
- The cost savings mentioned above could be credited against the cost of the tabulators.

The Chief Electoral Officer recommends the use of vote tabulators for the counting of ballots cast in the new harmonized advance voting opportunities.

Shift Splitting for Deputy Returning Officers and Poll Clerks

In any other line of work, the conditions of employment that deputy returning officers and poll clerks must accept would not only be considered unreasonable but also illegal. These officers are not permitted refreshment breaks, meal breaks or any absence from their stations for a minimum of 13 hours. Voting must stop if either one leaves their station. Historically, this was a requirement to ensure full accountability for the contents of the ballot box. With the processes and procedures in place today, full accountability and an audit trail can be carried out at any time during the day. Subsection 81(13) of the Act exempts election officers of subsection 4(1) of the Labour Standards Code.

Both audits carried out during this election and discussed in detail in this report revealed that most mistakes made by election officers are the result of one of two problems: the inability to sufficiently train workers given the complexity of the job and fatigue as the day wears on. The former is being addressed by ENS through process improvements and job simplification and less complex training. The second can only be corrected by permitting split shifts. Many of our election officers are and will continue to be from the older demographic groups. While permitting the splitting of shifts with an overlap of an half an hour between 2:00 pm and 2:30 pm would marginally add to the overall cost of the election, it would reduce the stress and fatigue of the workers, improve the quality of the work

performed during the evening rush to vote and cut down on the number of errors made in completing the paperwork at the end of the day.

The Chief Electoral Officer recommends providing flexibility to permit some workers to start their duties early in the day and others to replace them later for the latter half of the day.

Use of Observers during the Count

The Act contemplates candidates having representatives at each poll to observe the count on election night. In recent elections, most campaigns have not supplied agents to observe the count in all but few of the polls on election night.

The Act specifically requires two observers to be present as every ballot box is counted on election night. When candidates fail to have their representatives present, the deputy returning officer is required to find two willing people to observe the count. They have two practical choices. In a multiple poll, they can ask another deputy returning officer and poll clerk to watch as they count and vice versa or they can ask two of the last electors voting if they would stay and observe the count. In rural areas of the province, most of the polls single polls and asking electors to watch the count is the only alternative. Regardless of which method is chosen, it costs a minimum of \$15 per hour per observer. In 2013, it cost in excess of \$55,000 to hire observers to watch the count and this does not include the deputy returning officers and poll clerks who would have included their time spent observing in the total hours they worked.

“ In any other line of work, the conditions of employment that deputy returning officers and poll clerks must accept would not only be considered unreasonable but also illegal.”

The Chief Electoral Officer recommends removing the requirement to have observers present at the count of each ballot box.

Recommendations Affecting Other Departments or Agencies

Government Advertising During an Election

The actions of other government departments unrelated to electoral events can and do on occasion have unintended consequences on the governance of an electoral event. The following recommendations are offered as a direct result of two such incidents experienced in the course of conducting the 2013 Provincial General Election.

Amend sections 271 and 272 of the *Elections Act* provisions on Government Advertising

In 2013, prior to the writ of election, ENS received a complaint that government signs in downtown Halifax were election advertising.

ENS sought an opinion from outside legal counsel and, based on that opinion, informed the complainant that the signs were not election advertising as, by definition, election advertising is during a writ period.

The legal opinion also advised that were these signs in place during the election, the signs would be election advertising. ENS met with senior government officials to discuss the complaint and the opinion in an attempt to avoid an issue during an election.

The government's position was that the signs were not election advertising and further, the government could not be bound by the legislation unless it was expressly named in the Act. Upon reflection, it became apparent that there were arguments on both sides of

the question that would either require greater clarity in the Act or a decision of a court.

Evidence that the signs would have been election advertising, if posted during the writ period included:

- the naming of ministers who, during an election, would be candidates;
- colours that were closer to reflecting the governing political party than the province of Nova Scotia;
- a campaign-like slogan; and
- the relative sizes of logos and other elements of the signs.

Evidence that the signs may not have been election advertising included:

- the signs had been in place for more than 2 years;
- there had not been an increase in use in anticipation of the general election; and
- previous governments had used similar signage extensively without consequence.

This left ENS in the untenable position of enforcing provisions without clear jurisdiction. Bringing action against those responsible for government advertising during the general election would not have served a constructive purpose. Furthermore, any public airing of these unresolved and potentially contentious issues during the election could have improperly and unfairly influenced the general public's perception of the political parties contesting the election. It may very well have had the unintended consequence of influencing the outcome of the election.

With the general election behind us, ENS is bringing the issue forward to draw attention to the fact that under the current wording of Section 272 the intent of the Act cannot be enforced.

“The actions of other government departments unrelated to electoral events can and do on occasion have unintended consequences on the governance of an electoral event.”

The Chief Electoral Officer recommends removing ENS as regulator of government advertising. The Act should either expressly exclude government advertising material prepared and displayed prior to the writ or, regulations or amendments to legislation provide guidance to government regarding the limits of their advertising that commences in a time prior to a fixed date election or, in the absence of a fixed date provincial general election or during a by-election, limits on government advertising after a writ of election is issued.

Improvements to the Registry of Motor Vehicles Database

ENS depends on several sources for additions, deletions and changes of information about electors currently on the Register of Electors, the central database of Nova Scotia electors. The two most important sources are Elections Canada for all data updates and the Registry of Motor Vehicles (RMV), specifically for “change of address” information.

The RMV on-line tool is used by drivers and vehicle owners to notify the Registrar of a change of address. Currently, the tool allows a civic address to be entered without verification.

In any given month, ENS receives change of address information (either civic address, mailing address, or both) for about 8,000 individuals from the RMV. In general, about 75 per cent of these individuals are electors found on the Register of Electors.

A third of those address updates provided by RMV cannot be used because the address does not match an address in the ENS database or the Nova Scotia Civic Address File (NSCAF) database. This means that each year, roughly 24,000 address updates cannot

be applied to the Register of Electors, that is, about 3.5% of the electors in the Register of Electors.

While Service Nova Scotia has acknowledged that an upgrade of the on-line software tool is required, given its priority level, it is unlikely that the upgrade will be completed before the next provincial general election.

The relative importance of the up-to-date address data to ENS, Elections Canada and other municipal, provincial, federal departments and agencies – including police forces and emergency services throughout Nova Scotia – leads to the following recommendation.

The Chief Electoral Officer recommends that Service Nova Scotia and the Chief Information Office raise the priority of this system upgrade so that the project will be completed within the next two years.

Nova Scotia Civic Address File (NSCAF)

The NSCAF program, like RMV, is a responsibility of Service Nova Scotia, and plays an integral role in Nova Scotia’s civic addressing system. It is a complex system that involves the public, municipalities, First Nations communities, government departments, emergency response agencies, and telephone service providers. It is the provincial government address standard and is used for everything from emergency response to bus routing and pizza delivery. ENS uses NSCAF to determine in which electoral district individual electors reside and informing them where they go to vote on election day.

“ In any given month, ENS receives change of address information (either civic address, mailing address, or both) for about 8,000 individuals from the RMV.”

The Chief Electoral Officer recommends that that NSCAF be declared as the single source for civic address data for the Province of Nova Scotia. More specifically, this would mean all provincial government databases that use civic addresses must use NSCAF as the source for that data or, at a minimum, for the validation of that data in their databases.

Restrictions on Political Activity of ENS Employees

There are currently three classifications of government employees with varying restrictions on political activity: politically restricted, politically limited and unrestricted.

Deputy Heads, CEO's of government departments and offices, commissions or agencies and those in positions confidential to and reporting directly to them are politically restricted. They must resign from their government position to seek nominations, be a candidate, hold a provincial or federal elected office, or engage in other partisan political activity. However, with the exception of the chief electoral officer and the assistant chief electoral officer, the restriction allows the restricted employee to vote in an election, be a member of a provincial or federal political party and attend all-candidates meetings and debates.

Government employees who are politically limited, in addition to the rights of restricted employees, may hold office in a political party, contribute or deal with money to political parties and/or candidates attend electoral district association meetings; and, campaign for a candidate in a provincial or federal election.

While these rights, derived from constitutional rights to participate in political affairs, are appropriate for

most members of the Nova Scotia public service, they are not for the chief electoral officer, the assistant chief electoral officer nor the 51 returning officers and the 5 assistant returning officers. The Act currently states that no returning officer or assistant returning officer shall, while in office, knowingly engage in politically partisan conduct. The reason for this restriction is trust. The public-at-large, the candidates and their campaigns need the assurance that those entrusted with election management and administration are not only seen to be objective and impartial but are required by law to be non-partisan.

The Chief Electoral Officer believes these same restrictions should also be extended to the few permanent employees of Elections Nova Scotia.

The Chief Electoral Officer recommends that all permanent employees of ENS be classified as politically restricted employees and prohibited from engaging in politically partisan conduct.

“The public-at-large, the candidates and their campaigns need the assurance that those entrusted with election management and administration are not only seen to be objective and impartial but are required by law to be non-partisan.”

Appendix A: 2013 Nova Scotia Election Audit

1.0 Introduction

This is a report of an election audit unique in Canadian electoral administration history.

It is a report on the first comprehensive ‘real time’ audit of key administrative processes, assessed in the field, while an election was underway in a major Canadian jurisdiction.

It also marks the first time that seasoned election administrators from multiple Canadian jurisdictions have been involved in systematically examining the most critical election procedures in one of their counterpart jurisdictions.

The Chief Electoral Officer (CEO) of Nova Scotia commissioned this audit to be coordinated and conducted independently, outside of the direct control of his organization. He requested that his counterpart CEOs from across Canada, and Clerks from two Regional Municipalities in Nova Scotia, provide experienced personnel to observe and collect assessment information from locations across the province regarding the ‘new model’ of voting services that would be used in the election for the first time. In response, election experts from British Columbia to Newfoundland were made available to assist with this ground-breaking assessment exercise.

During the last week of Nova Scotia’s 2013 provincial election period — October 3rd to 8th — a total of 277 different sites were visited by 11 experienced election administrators acting as visiting observing auditors. The election auditors prepared for their assignment by reviewing applicable legislation, procedures and training videos before leaving for Nova Scotia. On the day following their arrival in

Halifax, these auditors were fully briefed on assigned geographic areas, the logistical arrangements for the audit, and official protocols to be followed. The next morning they each departed to their assigned electoral districts.

On their first day together, auditors discussed and agreed on the standard assessment approaches to be used with regard to assigning qualitative scores to the various process evaluations they would undertake. Toward the end of that day, senior management staff from Elections Nova Scotia briefed the auditors on the significant changes that had been undertaken since the previous election, major features of the new provincial *Elections Act*, expectations that had been set with returning officers, and the changes to the training regimen that had been established for election workers.

Each of the 51 electoral districts in the province was visited by at least one of the observing auditors during one or more aspects of the audit data collection. Auditors collected information using standard survey forms, and up-loaded the data into a central electronic repository at the end of each day. Auditors planned their visit schedules with the aid of a full listing of the locations and dates where key election activities were being administered. At the beginning of each audit observation session, they presented a signed-and-sealed letter from the provincial Chief Electoral Officer, which legally authorized them to visit, observe and record their notes at any of these locations.

“ The Chief Electoral Officer (CEO) of Nova Scotia commissioned this audit to be coordinated and conducted independently, outside of the direct control of his organization.”

Standardized survey instruments were used to collect observations and analysis about key procedures in four critical event delivery areas:

1. Election officer training;
2. Voting:
 - Continuous Voting in Returning Offices,
 - Campus Voting,
 - Advance Voting,
 - Election Day Voting;
3. Ballot Counting; and
4. Results Tabulation.

This Audit Report provides context about the project, includes an overview of the audit process, and summarizes the findings of the field data collection. It also provides a series of recommendations for the senior management of Elections Nova Scotia to consider with regards to administrative changes to undertake and legislative amendments to request while preparing for the 40th general election, anticipated in 2017.

2.0 Background to the Decision to Conduct an Election Audit

The province of Nova Scotia undertook an extensive electoral reform agenda between the general election of June 9, 2009 and the general election held on October 8, 2013. Major changes included:

- A new *Elections Act*, passed into law in December 2011;
- A new Chief Electoral Officer, appointed as an Officer of the House of Assembly in May 2012;
- New electoral boundaries, passed into law in December 2012;
- A new Assistant Chief Electoral Officer, appointed January 2013; and the
- Inauguration of 51 returning officers and five Assistant Returning Officers, the first ever selected independently by the CEO on a merit basis, in January 2013.

Combined with these significant structural changes were a number of major administrative reforms implemented by Elections Nova Scotia:

- A comprehensive reworking of procedures, forms, computer systems and administrative responsibilities for both head office and field staff;
- Intensive, 8-day training sessions for returning officers on the features of the new *Act*, the administrative mechanisms to be used in implementing them, and the new computer system;
- An accelerated redistribution of polling division boundaries by returning officers using GIS tools in the field for the first time;
- A new approach to providing voting services, involving a physical separation of the Poll Clerk functions

from Deputy Returning Officer functions;

- The administrative introduction of numerous new voting opportunities for the public, including Continuous Voting at returning offices and Campus Voting at post-secondary institutions;
- A new approach to training election officers, involving the integration of YouTube video clips, which were also made accessible via the Elections Nova Scotia website for later review by temporary election workers;
- A new central web-based computer system, custom-built to support all aspects of election information management, from individual voter registrations to election night results per ballot box; and
- A need to aggressively manage the introduction of these changes in the context of a pending election call, anticipated as early as the Spring of 2013.

As is necessary when major legal and structural changes are introduced, significant public resources needed to be expended in preparations for and delivery of the 39th provincial election in Nova Scotia.

Elections Nova Scotia's senior management recognized that the scope of change in this election translated to an environment of significant risk. At the same time, they were keenly aware of the paramount importance of electoral process integrity, as underscored by the investigation into election official errors in the 2011 federal election in the riding of Etobicoke Centre, as well as the 2012 Supreme Court's rulings on the procedural irregularities that had occurred in that case. They expected

that not all new procedures and systems would succeed according to design and plan, and wanted to ensure that mechanisms were in place to identify what actually happened in the field. This realization paved the way for an informed review and assessment in 'real time' to determine how well the compressed delivery of all these new components of election administration worked.

It was agreed that the organization would undertake a field assessment, which would be done in a meaningful and independent manner, and extract maximum value for the necessary expenditures. The assessment would be used to provide a measure of the success of the many new initiatives involved with the election, as well as a tool to help guide decisions about what priorities to address with future changes.

In May 2013, Elections Nova Scotia commissioned the design and planning of the audit. In July, Nova Scotia's CEO presented the audit design intent at a national electoral conference, and requested that other CEOs from across Canada assist by identifying resources they could make available to participate in the audit. He spoke

of the value the audit process could provide to participating jurisdictions, the opportunity to review a first application of a new voting model, and the general need for sharing best practices to address challenges that all of Canada's jurisdictions face in administering their elections. Nova Scotia's CEO promised to share the resulting Audit Report with each of his CEO counterparts, as an indication of the collaborative spirit in which he wished to have the audit resourced and conducted.

This request for assistance garnered an enthusiastic response, and offers of support and names of potential auditors had flooded in from across the country by early August. The design and project plan for the audit was signed-off by the Assistant Chief Electoral Office on August 2nd.

On September 7th the election was called, and over the next two weeks 11 field audit resources were confirmed to be available. The independent audit designer was engaged to travel to Halifax and make final preparations for the conduct and coordination of the audit.

3.0 Audit Design and Methodology

Research indicates that very little professional effort has gone into auditing field administrative procedures while an election is actually underway. Surprisingly small amounts of assessment efforts are made with regard to the conduct of election procedures generally, and almost none are ever done in ‘real time’.

The closest activity to such an audit concept is in the realm of international election observation missions. These generally involve teams of independent foreign and domestic ‘observers’ travelling through all parts of a country that is making a transition to democratic rule (or sometimes in nations where the legitimacy of electoral practices are in question) and making systematic assessments of whether genuinely open and democratic debate and broadly accessible electoral procedures are in sufficient evidence.

The focus of international election observation missions is ultimately on whether an election is ‘free and fair’, assessing whether widespread fraud is in evidence, and determining whether national legislation and international standards are being adhered to. Election administration is usually examined, but infrequently does it garner sustained attention unless it is shown that the electoral management body in charge of conducting the election has insufficient resources or capacity, is being politically influenced, or demonstrates a blatantly partisan bias in its operational policy and management decisions. It is rare that election observation missions include anyone with actual election management experience.

The Nova Scotia election audit needed to focus on the new ‘system’ of delivering the provincial election, according to the new *Elections Act*, and the administrative measures adopted to implement its legal requirements. The audit would not involve a determination of “freeness and fairness” — that was not in question — but instead serve in setting a baseline assessment that could be used for improving procedures in the delivery of the next election. It was agreed that the focus would not be so narrow as to only assess what was new — auditors were to look at the system as a whole and provide feedback on a range of critical aspects of election delivery. The added desire was that the observations made, and assessments noted, would be well informed and made by persons with experience and advanced understanding of election management procedures.

From the outset, it was agreed that assessments were to be generalized — no individual names or location information that might identify such persons would be revealed in this Audit Report.

The audit project was designed to take advantage of some of the features found in international observer missions. The importance of collecting measurable data in a systematic way led to agreement that standard survey forms would be required. Random sampling was agreed to be necessary in order to obtain reasonably accurate and unbiased measurements about how key procedures were being administered across the entirety of the province, rather than in just specific types of locations. While it was understood that the sample size would never be large

“The audit would... serve in setting a baseline assessment that could be used for improving procedures in the delivery of the next election.”

enough to claim statistical accuracy, it was agreed that making the sample of visited sites as large as possible, and the geographic coverage of the audit as diverse as possible, would provide the most accurate overall province-wide assessment of the procedures being examined.

A survey design was established that would allow as few as four and as many as 20 auditors to be deployed across the province taking measurements in four critical event delivery areas:

1. Election Officer Training;
2. Voting (at four major opportunities provided);
3. Ballot Counting; and
4. Results Tabulation¹.

Budget limitations dictated that a maximum of 12 auditors could be accommodated, although ultimately only 11 auditors were available when the election was called in early September. (The actual start of audit activities could not be planned with exactness, as Nova Scotia is one of the few remaining Canadian provinces that have not legally adopted a fixed election date.)

The project plan called for the auditors to be assigned in numbers approximately proportionate to the population base in the seven regions of the province. Assignments of the auditors to regions and electoral districts are detailed in Annex 'B' of this report and summarized in the table below:

Region	Estimated No. of Voters	No. of Electoral Districts	No. of Auditors Assigned
Annapolis Valley	76,653	5	1
Cape Breton	105,702	8	2
Central Nova	59,418	5	1
Fundy Northeast	84,724	6	1
Halifax Regional Municipality	287,600	20	4
South Shore	43,999	3	1
Southwest Nova Scotia	53,462	4	1
Totals:	711,558	51	11

1. See Annex 'C' for an indication of the structure of each of these four surveys, as well as the summary of results collected for the questions auditors answered.

Auditors travelled to Halifax on Tuesday, October 1st and spent all day on Wednesday October 2nd being briefed by the audit coordinator.

Activities during the briefing day included:

- Discussing appropriate standards for assessment;
- Understanding the logistical arrangements and supplied proposed itineraries;
- Becoming familiar with the content of their custom-prepared briefing binders;
- Taking the opportunity to ask questions of senior managers from Elections Nova Scotia; and
- Getting to know each other as colleagues.

As of Thursday morning, October 3rd each auditor was actively collecting information and making their survey assessments of election officer training sessions, Continuous Voting in returning offices and Campus Voting at various post-secondary institutions across the province. They continued these audit observation activities for six days, culminating in a very long day of assessments on Tuesday, October 8th — election day.

Each auditor travelled to their assignment areas and specific sites by car, aided by a GPS unit in most cases. They stayed at pre-arranged hotels while deployed, using Internet connectivity provided to enter and submit their collected survey data on a daily basis.

On Wednesday, October 9th all 11 auditors returned to Halifax and attended a six-hour debriefing session with the audit coordinator. Initial findings from the surveys were shared, based on statistical reporting available from the electronic repository where survey information had been entered. General themes and concerns about the election administration process were discussed, and notes were made by the audit coordinator with regard to key items to include in the Audit Report. The overall structure and key content to be included in the Audit Report was agreed to, and a preliminary list of agreed recommendations was developed.

The collected survey information was analyzed and this Audit Report was drafted by the audit coordinator between October 10th and 24th, and then sent to each of the auditors for review, feedback and edit suggestions. Auditors submitted their edits and feedback by November 1st, and the audit coordinator finalized the content of this Audit Report and submitted it to Elections Nova Scotia on November 6th — exactly 29 days following the close of voting for the election the Audit Team had assessed.

The contents of this Report reflect a broad consensus among all 12 members of the Audit Team.

4.0 Summary of Audit Findings

By any fair comparison to the way elections have traditionally been run in jurisdictions across Canada, the 2013 Nova Scotia provincial election was an administratively successful and well-run event.

There was an extensive list of new features in this election, many of which worked exceedingly well. Examples include:

- Increased accessibility to the ballot for all voters, and a modest increase in turnout at a time when turnout is trending consistently downward;
- Popularity of Continuous Voting in Returning Offices;
- Success of student participation at Campus Voting;
- Successful incorporation of technology at continuous and campus polls;
- Real-time ‘strike-off’ of voters from the preliminary voters list during Continuous Voting, which permitted a ‘vote anywhere’ model from shortly after the Writs were issued until the start of Advance Voting, four days before Election Day;
- The concept of separating the roles and physical locations of Poll clerks and deputy returning officers at voting locations;
- Operational efficiency gains associated with the new model of initial elector check-in with the “next available Poll Clerk” at voting locations;
- Use of the Learning Management System videos during training, and their availability for election workers to review via Elections Nova Scotia website links;
- Design of voter information cards (VICs) and the success rate of

electors presenting them when checking-in to vote;

- Streamlined voter processing resulting from the use of the VICs as a key control document in voting administration;
- Use of fewer, but larger voting locations in dense urban areas;
- The innovative concept of providing ‘How Did We Do’ cards with a QR-code to permit immediate feedback from voters via their smart phones;
- ‘Future Voter’ stickers for underage youth accompanying electors to voting sites;
- Service orientation of election officials at all levels;
- Election Day telephone support to Returning Officers at Elections Nova Scotia’s head office; and
- Computerized tabulation and ‘live’ online reporting of voting results on Election Night.

However, the audit also revealed that not every aspect of the election was completely successful. At a systemic level, there were administrative issues and problems seen within each of the four critical event delivery areas.

The following summarizes some of the high-level observations of the Audit Team:

- Election Officer Training
 - Inconsistent from one electoral district to another;
 - Not based on adult learning principles and involved virtually no hands-on exercises;
 - Frequently over-dependent on use of video clips;
 - Not adequately oriented to someone with no previous election work experience;

“...the 2013 Nova Scotia provincial election was an administratively successful and well-run event.”

“However, the audit also revealed that not every aspect of the election was completely successful...”

- Generally too long in duration to keep participants’ engaged; and
- Did not equip participants with the basic knowledge they needed to be immediately effective in their roles.
- Voting
 - Sometimes held in locations not suitable for voting, or inadequate for the numbers of electors assigned to vote at that location;
 - Involved a significant number of election officers not following required procedures and not being provided adequate supervision or oversight to address issues early in the process;
 - Did not always facilitate secrecy of ballot choices;
 - Inconsistently staffed and organized; and
 - Infrequently observed or attended by volunteer agents (scrutineers) appointed by candidates.
- Ballot Counting
 - Inconsistent procedures from one location to another, and even between ballot counting teams at the same voting location;
 - Often involved the counting of marked ballots before undertaking the reconciliation of how many ballots should be legitimately available for counting;
 - Not always well-controlled by election officers or effectively supervised by location supervisors;
 - Sometimes results were not called in until all polls in a multiple poll location were finished their counts (thereby delaying results reporting); and
 - Often delayed due to legal requirements for witnesses to be present in the absence of candidates’ agents.
- Vote Results Tabulation
 - Frequently lacked adequate quality controls to ensure accuracy;
 - Often performed in a physically chaotic atmosphere of election night ballot box returns.

Summary measures in the four categories listed above are contained in Annex ‘C’ of this report.

It should be noted that none of the general shortcomings listed above were regarded, by any of the observing auditors, as involving “irregularities” in establishing individuals’ entitlement to vote, or in any way permitting ineligible persons to cast ballots.

It should also be noted that many of the issues identified in the list above are inherently problematic given the logistical challenges and complexity of delivering simultaneous election processes over a massive geographical area, along with requirements to hire a very large number of temporary staff to provide the necessary voting services.

Nevertheless, these remain important areas of concern and deserve priority attention as plans are made and priorities are set for the 40th general election in Nova Scotia.

“ It should also be noted that none of the issues identified... were regarded... as involving “irregularities” in establishing individuals’ entitlement to vote, or in any way permitting ineligible persons to cast ballots.”

5.0 Principles and Parameters of Election Management

5.1 Principles

Both at the briefing session held on October 2nd, and during the de-brief on October 9th, the members of the Audit Team discussed the principles that should guide any recommendations the team might make as a result of what was learned during the detailed observation of Nova Scotia’s key election procedures.

There are a number of general principles of election administration which electoral professionals around the globe reference² with frequency. They include:

- Independence;
- Impartiality;
- Integrity;
- Transparency;
- Efficiency;
- Service Orientation;
- Professionalism; and
- Rule of Law.

Application of each of these principles, auditors agreed, was extensively demonstrated in the administration of the 39th provincial general election in Nova Scotia.

5.2 Parameters

While agreeing on the importance of adhering to the above overarching principles in the administrative conduct of an election, the auditors narrowed their discussion to three fundamental parameters every electoral management body must balance when examining change to an electoral process. Specific to the purpose of the audit assessment, these component elements ‘fit’ a

familiar conceptual model for making recommendations arising from the election field assessment.

The three parameters are

- 1) Accessibility,
- 2) Integrity and
- 3) Economy.

Some describe these parameters as making up a triangular equation of electoral policy change. Placing emphasis on one consideration almost inevitably has causal effects that bring the other two into some kind of adjustment. Increased accessibility (e.g. ‘vote anywhere’) may also increase the possibilities of electoral fraud, thereby threatening a reduction in process integrity. Addressing the integrity challenges of increased accessibility can increase procedural costs, making desired changes difficult to justify on the basis of an economic business case.

This agreement on key parameters led to a discussion of which of the three was most important to consider while developing recommendations, and which factor should be given priority attention as Elections Nova Scotia’s senior management makes decisions on what to address in preparation for the next general election.

The emerging consensus view was that accessibility to voting had been significantly increased in Nova Scotia through recent legislative changes, and that it was the ‘integrity’ of electoral procedures that should be considered the paramount factor informing suggestions of what should change. During his brief visit to the auditors’

“...the auditors narrowed their discussion to three fundamental parameters every electoral management body must balance when examining change to an electoral process.”



2. See, for example, The ACE Project Electoral Knowledge Network’s encyclopedia overview on electoral management principles at <http://aceproject.org/ace-en/topics/em/em20>.

post-election de-briefing session the Chief Electoral Officer of Nova Scotia concurred that procedural integrity would be an appropriate focus for the auditors' recommendations, as this is the key element associated with maintaining public trust in the legitimacy of the processes that define electoral democracy, and the acceptance of election outcomes.

Hearing the CEO's comments, the Audit Team members concluded that their most useful collective recommendations would be ones that addressed improved integrity, including reduced administrative error.

It was agreed that the essence of electoral process integrity involves having an administrative 'system' with controls in place to ensure only eligible voters vote, they only vote once, their vote is kept secret, their ballot choices are counted accurately, and the entire process is sufficiently transparent that all of this can be seen as being accomplished.

Electoral process integrity engenders public trust in the election outcome.

Increasing ballot accessibility is frequently associated with a diminishment of procedural integrity. However, ensuring high levels of integrity can make electoral processes less accessible to voters and more complex and expensive to administer.

A recent increased focus on compliance has raised the level of scrutiny on electoral bodies to ensure that the integrity of the electoral process is being protected. At the same time, electoral agencies are increasingly expected to make voting easier and more accessible (which is seen as necessary to counteract a steady decline in voter turnout) while being respectful of the need to be fiscally responsible in delivering voting services with taxpayer dollars.

Auditors agreed that introducing technology into parts of the voting process will likely be the next evolutionary step necessary to maintain a balance between electoral process integrity, cost efficiency and further expansions of voting accessibility.

6.0 Audit Team Recommendations

6.1 Areas for Improvement

During the post-election debrief session, members of the Audit Team initially agreed on three broad areas of improvement they believed Elections Nova Scotia could benefit from: simplification, supervision, and sustainability.

Auditors felt that articulating some features deserving attention within each of these three areas could facilitate the process of developing more specific recommendations in the areas of administration and legislative change.

Within each of these areas, suggestions are aimed at improving the overall integrity of the process by increasing compliance with procedures and rules.

Simplification

These improvement suggestions are based on a reality that all electoral agencies face: it is simply unreasonable to expect temporary election officers to master complex procedures for a job that they do for just one or two days.

- Limit advance voting and election day workers to as few tasks as possible;
- Identify all possible voting options, and train and assign staff accordingly (e.g., poll clerks who specialize in serving voters with current VICs vs. poll clerks who register voters);
- Make forms intuitive; procedures logical; doing things wrong must be made unusual and difficult; and
- Training must be short, focused on the basic tasks (not exceptions), enjoyable and based on ‘doing’ rather than listening or watching.

Supervision

There is an opportunity to use highly trained and well-supported supervisors to deal with ‘exception’ procedures, thereby allowing poll clerks and deputy returning officers to focus on a narrower set of simplified procedures.

- Complex procedures should be considered ‘exceptions’ that are handled by a competent and well-trained supervisor;
- Central phone and/or online help should be provided to all supervisors;
- Supervisors should continue to train election staff during advance voting days and on election day — this can be based on “what’s going to happen next”;
- Every voting location needs someone to clearly be ‘in charge’;
- Supervisors in the voting locations must be more than glorified information officers — they must have leadership skills and be capable of intervening when there are disputes or when procedures are being performed in error;
- Consideration should be given to the introduction of a liaison officer program to provide additional oversight over returning officers, and an area manager program to provide additional oversight in the voting process.

Sustainability

The current model relies on election officers to work for more than 13 hours in a single day. This model is not sustainable and Elections Nova Scotia is encouraged to continue to find innovative ways to simplify tasks and reduce reliance on officials working such long hours.

“...it is simply unreasonable to expect temporary election officers to master complex procedures for a job that they do for just one or two days.”

“ Complex procedures should be considered ‘exceptions’ that are handled by a competent and well-trained supervisor.”

“ The current model relies on election officers to work for more than 13 hours in a single day.”

- Need to continue to evolve procedures towards a voting services model that can be sustained into the future as a trusted, logical and affordable method of administering public elections;
- Requires a continued willingness to innovate, test and refine new approaches and methods over several elections; and
- Efforts at redefining the roles of poll clerks and deputy returning officers are excellent first steps in moving toward a new, sustainable model of voting services.

Auditor discussions regarding these three suggested improvement areas led to the conclusion that they were decidedly generic, and could likely be applied in every electoral management body in Canada.

The audit review process had simply provided a sharper level of clarity regarding their importance and need for attention on the part of electoral administration leaders.

6.2 Recommendations for Administrative Change

The three areas of improvement outlined above suggest a model of voting services where election officer responsibilities are considerably simplified. In such a model, the tasks assigned to election officers would be simple and well defined and officers would do their tasks repeatedly over the course of their shift.

This is not a particularly stimulating model from an election officer's perspective, but it is one that lends itself to a greatly simplified training process and improved compliance. The model that is suggested is one that accepts the reality that there is only one chance for election officers to do their job right – there is no second day to go back and correct errors. Given this, it is important

to segment tasks into logical groupings, and train in a hands-on manner for those specific tasks. Depending on the economic parameter, some of the tasks currently performed by election officers (e.g. ballot counting) may be performed more effectively by technology.

Within this overall discussion context, the Audit Team went through an exercise where each member placed on a flip chart short titles of what they regarded to be the most important changes that Elections Nova Scotia should contemplate during their next electoral cycle.

This list was then sorted into two categories: first, the administrative items which Elections Nova Scotia has direct control over and second, public policy matters which require legislative amendments to the *Elections Act* before they can be implemented.

Progressing through the three themes identified for improvement, the auditors offered a variety of specific recommendations for administrative change. These recommendations were then grouped into four categories as follows:

1. Evaluate and Re-design
2. Increase Supervision
3. Modify Training
4. Ensure Consistency

The 34 administrative change recommendations listed below are focused on steps Elections NS could take to make tangible improvements to the overall integrity of the provincial election system, all within the current legal framework.

To improve the administration of the next provincial general election in Nova Scotia, the Audit Team recommends the following changes be undertaken by Elections Nova Scotia:

“...there is only one chance for election officers to do their job right – there is no second day to go back and correct errors.”

Evaluate & Re-design

1. Evaluate procedures established for poll clerks and deputy returning officers with the objective of making them more intuitive so that their training can be substantially reduced from the current three hour duration;
2. Look at the functions of poll clerks and deputy returning officers as they relate to the type of elector they are primarily providing service to (e.g. estimated 85% or more of electors having a VIC and proper ID at hand);
3. Rationalize the roles and responsibilities of constables, Information Officers and supervisory deputy returning officers – their positions should not be considered interchangeable;
4. Critically review the role of the constable and decide whether the constable position is required at voting locations;
5. Consider reworking the guides and manuals for election officers, making them easier to use as a reference document and organized in a way that matches the workflow for each officer's role;
6. Rework the forms most frequently used in the voting process, and make use of forms design professionals and focus groups to simplify, clarify and eliminate the possibility of confusion and misinterpretation;
7. Consider making 'removal' from the voters list an option on the registration form that is used at voting locations;
8. Evaluate whether printing an 'office use only' area on the back of each Voter Information Card could avoid the need for stickers to be removed from a sheet and placed on each voting document;
9. Consider renaming the poll clerk tables 'check-in' instead of 'registration', as voters don't think they need to register when they already have a Voter Information Card;
10. Evaluate the continuous voting process and consider re-engineering it to minimize the number of steps and paperwork required, making the in-district and out-of-district ballots distinct from each other, and defining how this process can best be managed as part of, or separate from, each returning office.
11. Carefully evaluate the requirements for staffing at returning offices, and satellite returning offices, taking into account the popularity of continuous voting and the administrative and logistical challenges associated with additional accessibility provisions in the new *Elections Act*;
12. Evaluate the Register of Electors update processes used — take measures to study coverage and currency issues that resulted in election registrations at the time of voting, and introduce effective ways to improve the quality of the Register of Electors data pre-election so that there are substantially fewer registrations and changes required at the time of voting;
13. Rethink the process of assigning multiple advance voting polls to the same physical location, and consider merging the election officer teams to make the voting process more efficient and less confusing for electors;
14. Explore the opportunity to have different counting team arrangements for advance voting ballot boxes, so experienced advance officials can be assigned to work at election day polls;

15. Critically review the voting locations that returning officers propose to use, ensuring that they are of sufficient size to accommodate the number of electors assigned to vote at each location and appropriate in terms of access, parking and human traffic flow — establish minimum size requirements for each number of polling stations that are assigned to a single voting location; and
16. Determine what voting materials and election officer instructions should be provided in French to better facilitate voting and compliant election administration in the dominantly francophone areas of the province.
21. Arrange for a ‘lead supervisor’ role, working in conjunction with one or more other supervisors, in very large multi-poll voting locations.

Modify Training

22. Use adult education professionals in the design of the curriculum and development of training materials for both Returning Officer training and election officer training, and structure the training in the most effective way possible.
23. Restructure the training of Returning Officers in a graduated, step-by-step process that requires a demonstration of acquired skills through practical assignments that lead to comprehensive preparation for the 40th general election;
24. Professionalize the training of election officers, and ensure that training is timely, consistent and grounded in adult learning principles which emphasize experiential learning over lecture, reading or video viewing;
25. Ensure the focus of election officer training is on the few tasks each position will primarily be responsible for, and not dealing with a myriad of potential exceptions (which should be handled by a supervisor);
26. Separate election worker training sessions based on each election officers’ separate and distinct role, and further separate sessions by voting opportunity to minimize confusion between advance voting and election day voting procedures; and
27. Offer the political parties and candidate campaign offices the ability to have their candidate’s agents professionally trained on the procedures they can expect to see at voting locations throughout the election period.

“ Ensure the focus of election officer training is on the few tasks each position will primarily be responsible for...”

Increase Supervision

17. Introduce a liaison officer program to provide additional oversight over returning officers, and an area manager program to provide additional oversight to the voting process.
18. Standardize on having a site supervisor, named and appropriately identified, at every voting location (even if it is a deputy returning officer needing to wear ‘two hats’ at a small rural voting location);
19. Ensure that supervisors are specially recruited and thoroughly trained on dispute resolution, problem escalation, exception processing, personnel management and basic leadership skills;
20. Ensure supervisors have the ability and understanding to do ‘on-the-job’ training/leadership of Information officers, poll clerks and deputy returning officers and make this a formal requirement for managing close of poll, ballot reconciliation and vote counting procedures; and

Ensure Consistency

28. Standardize on the 'next available poll clerk' model at every voting location. This may be best addressed by adopting a more proactive and consistent approach to providing adequate oversight and supervision at voting locations;
29. Work on standardizing processes across different voting opportunities, so as to minimize required differences in forms, instruction and training;
30. Set standards with regard to maximum distances (or maximum times) electors should be expected to travel to vote, and ensure that voting locations are made accessible to electors according to these standards, recognizing that they will differ in urban, semi-urban and rural parts of the province;
31. Standardize on the format and content of printed voters lists used at voting locations, as well as the presence of electoral maps and poll keys to assist in the registration of electors, or the redirection of misinformed electors to their assigned voting location;
32. Ensure that poll clerks take a standard and consistent approach to confirming the identity of each elector who presents themselves at a voting location, with or without a Voter Information Card, and who are either registered or unregistered to vote at that location;
33. Establish minimum standard ratios of poll clerks to deputy returning officers for small, medium and large voting locations; and
34. Streamline and standardize the ballot counting process; ensure this is well-supervised and consistently managed at every voting location.

The recommended administrative changes listed above are fully supported by field observations made by auditors during the 2013 Nova Scotia provincial election.

“ Work on standardizing processes across different voting opportunities, so as to minimize required differences in forms, instruction and training...”

6.3 Recommendations for Legislative Change

Public policy changes to electoral legislation are not under the direct control of the Chief Electoral Officer.

The CEO has an opportunity to make recommendations regarding the legal amendments he believes are necessary, and usually includes such recommendations as part of mandatory public reporting on the election process, electoral finance and voting results.

The Audit Team suggests the Chief Electoral Officer of Nova Scotia give serious consideration to including the following eight legislative change recommendations in his report to the Legislative Assembly and request the *Elections Act* be amended well in advance of the next provincial general election to allow sufficient time for orderly implementation and communication to stakeholders:

Recommendation 1. Remove the partisan appointment process used for identifying election officers.

Rationale: The Chief Electoral Officer is no longer appointed through a partisan process, nor is the Assistant CEO or any of the Returning Officers, Assistant Returning Officers or Election Clerks who assist Returning Officers. Each go through a merit-based competitive recruitment process. These changes were made in recent years with legislators giving recognition to the international democratic standard that election administration should be independent, non-partisan and neutral, and seen as such by all stakeholders. The anachronism of having Deputy Returning Officers appointed by the party that came first in the last election, and the Poll Clerks appointed by the party that came second is no longer defensible. All election officers should be selected on the basis of demonstrated skills and a willingness to sign a legal undertaking that they will conduct their duties as an election officer in a strictly non-partisan manner. Auditors witnessed election officers providing candidates' agents special attention, deferring to them for procedural rulings, and taking shortcuts to have voting results determined quickly so they could be provided to partisan agents. These kinds of activity erode public perceptions of electoral process integrity.

Recommendation 2. Remove the requirement for witnesses to attend the count of ballots – require two election officers to be present and allow them to be held fully accountable for their count and related documentation.

Rationale: Auditors observed many voting locations that had very few or no candidates' agents (voluntary scrutineers) present during voting. The *Elections Act* seems to assume that there will be sufficient candidates' agents attending the vote count of all ballot boxes, but this is not at all the case. Because the *Act* requires that there be witnesses to the count of ballots if there are no candidates' agents present, counting and results reporting was delayed in many locations through no fault of the election officers present. Provided that election officers are not political appointees (see #1 above), they should be trusted to provide accurate bookkeeping, ballot reconciliation and official statements of the vote.

Recommendation 3. Allow persons who work as election officers at Advance Polls to also work on Election Day.

Rationale: Many of the most experienced and competent election officers work at Advance Voting. Current rules require them to be present on Election Day at the same location where Advance Voting occurred while they were working, and to start counting the Advance votes at 8 p.m. It would be preferable to allow special ballot counting teams to count these Advance voting ballot boxes, perhaps at the office of the Returning Officer, and thereby allow these valuable personnel to provide their knowledge and expertise at a voting location on Election Day.

Note: This recommendation is not applicable if recommendation #7 below is accepted.

Recommendation 4. Introduce online voter registration via the Elections Nova Scotia website, supplemented by the ability to register over the phone, by mail or in-person.

Rationale: Numerous provincial jurisdictions in Canada, including Quebec, Alberta, British Columbia, have made voter registration, and registration update procedures, more accessible to the electorate by implementing online voter registration. Registration at the time of voting is inconvenient for voters, time-consuming for election officers and prone to error because of the pressure election officers are under to minimize lineup time. Persons registering themselves, or updating their registration record, are more likely to be accurate in recording their own exact name and address details. Mail-based target enumeration efforts can be greatly assisted if electors can respond online, at their leisure. In addition, the ability to register via phone, in addition to traditional in-person and mail methods, greatly enhances the ability of election administrators to have a high quality voters list ready at the beginning of an election campaign.

Note: This amendment would greatly increase accessibility to voter registration, but at the risk of permitting ineligible voters to register. For this reason it must be accompanied with an integrity measure at the time of voting in the form of mandatory presentation of identification documents. See #5 below.

Recommendation 5. Introduce a requirement for elector identification at the time of voting, similar to the federal requirements.

Rationale: At present, Nova Scotia's electoral law is somewhat counterintuitive with regards to the presentation of identity documents by electors at the time of voting. The law requires election officers to ask, but voters do not have to provide proof of identity in order to be issued a ballot. This law is confusing to the electorate, confusing to election officers and difficult to enforce uniformly. It would be preferable that the law clearly state that proof of identity must generally accompany proof of voter registration before any elector is given a ballot. The exception would be to allow an elector to be 'vouched' for by another elector who is registered and in possession of valid identification documents.

Note: If the preceding amendment recommendation - #4 above - is accepted, the requirement for ID presentation at the time of voting is an essential integrity measure needed to prevent voting fraud.

Recommendation 6. Permit Election Day election officers to work in shifts instead of requiring a minimum 13.5 – 15 hour day without breaks.

In any other line of work, the conditions of employment that election officers must accept would be considered unreasonable and illegal. Officers are not permitted refreshment breaks, meal breaks or any absence from their stations for a minimum of 13 hours. Voting must stop if an officer leaves their station. Flexibility should be provided so that some workers could start their election officer duties early in the day and others later in the day. With paper ballots, full accountability and an audit trail is always available.

Recommendation 7. Merge Continuous Voting, Write-in Voting and Advance Voting opportunities into one offering, with the capability of introducing a ‘crescendo’ of available locations, all closing on the weekend prior to Election Day.

Rationale: Voting accessibility was greatly expanded in Nova Scotia with the recent introduction of new voting opportunities. However, these ‘early voting’ measures could be made more administratively effective and offer more streamlined service to voters if they were consolidated into a single standard process which was made increasingly available to electors as the Writ period progressed. Write-in ballot procedures, Continuous/Campus Voting and Advance Voting could be combined into one process made available at various locations early in the Writ period supplemented with a ballot that allowed voters to select a registered political party or, optionally, write in the name of an independent candidate. After nominations for candidates are closed two weeks before Election Day, ballots with candidate names could potentially be securely provided if printed on the printers currently used for administering Continuous Voting. Early Voting opportunities could be significantly expanded, made mobile (e.g. ‘the Early Voting bus’) and advertised as a broadly accessible alternative voting opportunity for the final 10-day period (Day 13 to Day 3). For a period of 24 days, voters would have access to out-of-district and in-district voting across the province with significant procedural integrity (computerized lookups and strike-offs from the voters list). All ballots used in Early Voting could be specially configured to facilitate machine tabulation in Returning Offices, freeing experienced election officers to take work positions on Election Day.

Recommendation 8. Introduce Fixed Date Provincial Elections, preferably on a Saturday or a special Election Holiday established for the express purpose of allowing the vote to take place.

Rationale: Nova Scotia is one of the last jurisdictions in Canada without fixed election dates. Fixed dates for elections give certainty to all electoral stakeholders, and save money of election administration by avoiding sustained periods where a ‘state of readiness’ must be maintained. Having a fixed date election on a Saturday or special ‘E-day’ holiday would make more election workers available, more public buildings (e.g. schools) accessible for voting and possibly help increase voter turnout.

7.0 Next Steps

Members of the senior management of Elections Nova Scotia should carefully review this Audit Report and reflect on what the contents indicate with regard to topics they believe deserve their attention, debate and agreement on priority. Discussions should focus on whether increased electoral process integrity is to be the guiding parameter in choosing where the focus of change should be placed.

Senior personnel may wish to share this Audit Report with selected management and support staff, including field managers, to obtain their direct feedback on the contents or portions thereof.

The legal compliance review project, which was planned prior to the start of the election, should be executed and the results checked against the findings of this Audit Report. Solutions identified to address areas of non-compliance should be reviewed against the list of recommendations contained in this report. It is to be expected that a significant overlap will be apparent.

Several Canadian jurisdictions have committed to conducting a post-election audit of voting documentation to assess the compliance levels of election officers regarding the rules and procedures they are trained to follow. This type of audit permits a very exact assessment of error rates, and allows patterns of errors to be determined on the basis of voting opportunity, geographic locations, or other factors.

Combining a voting documentation compliance review with the results of the 'real time' observations contained in this Audit Report should allow a performance baseline to be established. This combination of audit approaches

will both identify and quantify risks, and together the measures can be used to establish rational priorities when considering changes and improvements to procedures and administrative methods.

As part of their comprehensive post-event de-briefing sessions, Elections Nova Scotia senior management may wish to share portions of what the Audit Team found and obtain feedback on whether the recorded observations seem in line with the experiences of various other stakeholders. These could include persons such as Political Party Official Agents, or a sample group from the thousands of election officers who were hired on a temporary basis to provide voting services.

Following the collection of the valuable information gained in each of the above steps, a formal strategic planning process should be undertaken by Elections Nova Scotia. One deliverable of that process should be the development of a statement that articulates a vision of the voting service model the organizations wishes to evolve to, and the sequence of steps it sees as necessary for getting there.

Annex ‘A’ – Audit Team Members

1. Michael Boda

Michael Boda is Saskatchewan’s Chief Electoral Officer, having served in that position since June 2012.

Born and raised in Saskatchewan, Dr. Boda has for 18 years offered advice to national and international institutions on issues relating to election administration, law and assessment. He served on the senior staff of the International Foundation for Electoral Systems (IFES), a Washington, D.C.-based international nongovernmental organization dedicated to facilitating improved election administration worldwide.

Michael Boda has been a visiting research fellow at the Brookings Institution and the National Endowment for Democracy. He has

also provided advisory and assessment services internationally on electoral issues, working in several different countries, including Jordan, Pakistan, Ghana, Scotland and the United States, with institutions such as the United Nations Development Programme (UNDP), the Organization for Security and Cooperation in Europe (OSCE), the Inter-Parliamentary Union (IPU), and the Carter Center.

Dr. Boda holds doctorates from Oxford (Law) and Johns Hopkins (Political Science) universities, is an Adjunct Professor at Johns Hopkins University, and is a Policy Fellow at the Johnson-Shoyama Graduate School of Public Policy at the University of Regina and University of Saskatchewan.

2. Dawn Borutskie

Dawn Borutskie is the Manager of the ‘Re-engineering of Voting Operations Project’ at Elections Canada.

Dawn started her career at Elections Canada in 2005, working with the Revision Systems team, while the agency was preparing for a general election. During her 8 years at Elections Canada, she has held a variety of positions within the Field Programs and Services Directorate, supporting the delivery of 3 federal general elections and many by-elections. Her main area of expertise is the use of technology in the delivery of an election, through the use of the election results system and the candidate information management system. She further coordinated the capture and distribution of voting results on polling night, followed by the verification processes and publishing of the official results.

Dawn holds an honours degree in Commerce from Carleton University, supported by several years of studies in Systems Engineering. More recently, she has been pursuing an interest in learning and adopting project management techniques and methodologies.

Currently, Dawn is managing an Elections Canada pilot project to redesign the voting model used in federal elections, incorporating the use of technology at all polling sites. The objectives of the project are to enhance the services to electors and candidates, improve compliance with procedures, and ensure that there is a sustainable infrastructure in which to hold federal elections in the future.

3. Isabel Collins

Isabel Collins is the Director of Election Operations and Special Ballot Administrator in the province of Newfoundland and Labrador.

Ms. Collins began her career with the Provincial Government in the mid 1980's in administrative roles both in the departments of Finance and Fisheries before moving to the Department of Justice as Assistant Registrar of Records Management in the late 1980's. She began working with the Office of the Chief Electoral Officer in 1989 in a supervisory role administering 'Special Poll' voting. She was appointed Acting Chief Electoral Officer from 1991-1992 and became the Director of Election Operations in 1992 with the added role of Special Ballot Administrator added to her portfolio in 1996.

Ms. Collins is currently nearing completion of a Bachelor of Arts from Memorial University and holds certificates in Management and Leadership

from Memorial University, and Public Sector Leadership and Management Development from Memorial University. She also holds certificates from the College of the North Atlantic and Langevin Training Institute in Training and Instructional Design.

Ms. Collins was a key participant in implementing past electoral reforms at Elections NL and currently sits as a member of ENL's All Political Party Advisory Committee. She also plays a management role on the Election Planning Committee at ENL.

Isabel is currently working on redesigning election forms and procedures to help speed the voting process and reduce wait times. Training materials are also being reviewed and supplementary materials are in the beginning stages of preparation for the 2015 general election

4. Paul Harpelle

Paul Harpelle is the Director of Communications and Community Outreach for Elections New Brunswick (ENB).

Since joining the ENB management team in 2006, Mr. Harpelle has designed, developed and executed communication strategies for two provincial general elections and two quadrennial municipal elections, in addition to numerous by-elections.

Paul Harpelle worked as a Communications Director in a number of provincial government departments prior to joining Elections NB. His move into the field of professional communications followed a 20-year career in journalism.

As a journalist, Paul observed electoral procedures at federal, provincial and municipal levels from a very different perspective than most election administrators.

5. Jill Lawrance

Jill Lawrance is the Director of Corporate Planning and Event Leader at Elections BC.

Jill began her career in electoral administration in 2004, when she first joined Elections BC as the Director responsible for electoral operations and project planning.

Between 2008 and 2012, Ms. Lawrance operated a business offering consulting services to the provincial government and private clients in a range of areas, including project management, policy and procedure development, survey research, economic impact analysis, data analysis and report writing.

She has since returned to Elections BC and is fully engaged in strategic, corporate and event planning and reporting.

Jill holds a Masters in Planning with a specialization in economic policy analysis from the University of Toronto and is a PMP-certified project manager.

6. Lori McKinnon

Lori McKinnon is the Election Coordinator for the Halifax Regional Municipality in Nova Scotia, Canada.

Lori started her career in elections as a spare Deputy Returning Officer municipally (2008), and then as the IT Project Lead in a 2009 special election. The challenge of election management applied its addictive hook, and she was appointed as Halifax's Election Coordinator in 2011. In 2012 the Halifax Regional Municipality conducted Municipal and School Board elections in which Internet-based electronic voting was offered as an additional voting channel for the 3rd time.

Ms. McKinnon has a Diploma in Business and Computer Studies from the College of the North Atlantic (previously CNCC), a certificate in Business Administration from Memorial University of Newfoundland, and various IT and ITIL certifications. Election administration is a career evolution after over 15 years in the IT industry.

For Lori the 2013 Nova Scotia Provincial Election auditing experience was personally beneficial in terms of professional development and further stimulating her interest in the global context of elections.

7. Steve Miller

Steve Miller is the former Manager of Event Services at Elections Ontario. He retired from his 33-year electoral career at the end of June 2013.

Steve started his election career with the City of Toronto in 1981, in the role of Election Clerk. Over time he became involved in all aspects of election delivery including election finance, training, election process reviews, advertising and warehouse management. Steve organized the first automated election for the newly amalgamated City of Toronto, and then managed contract elections for companies, associations, political parties and other municipalities on behalf of the City. In 2005, Steve was recruited into his operational management role at Elections Ontario.

Mr. Miller is a graduate of the University of Western Ontario and has a degree in Physical and Health Education. Over the course of his career he has taken a keen interest in effective project management, and completed numerous courses to enhance his skills in this area and directly apply them to electoral event preparations.

The last big project Steve worked on at Elections Ontario was a comprehensive review of all advance and election day processes. The goal of the review was to reduce reliance on staff, simplify processes and increase the integrity of the voting process.

8. Harry Neufeld

Harry Neufeld is an electoral management consultant based in Calgary, Alberta.

Mr. Neufeld has 32 years of management experience across the full range of legislation, policy, process, technology and logistics that are associated with the delivery of electoral democracy. He holds a Master's Degree in Political Science from the University of Victoria, and a Bachelor's Degree in English and Political Science from the University of Lethbridge.

In June 2010 Harry completed an eight-year statutory term as the Chief Electoral Officer for the province of British Columbia. He previously held senior electoral management positions with Elections Canada and the United Nations.

In addition Harry Neufeld has worked for ten years as an electoral consultant, assisting international agencies and electoral management bodies around the globe. Mr. Neufeld's consulting work has taken him to Australia, Botswana, Britain, Guinea, Guyana, India, Iraq, Jamaica, Jordan, Mexico, Russia, South Africa, Sweden, Uganda, and Zimbabwe as well as various electoral jurisdictions in the United States and Canada.

Harry coordinated the 2013 Nova Scotia election audit after having been commissioned by the Chief Electoral Officer of Nova Scotia to design and develop a project plan for the conduct of the audit, involving election professionals from across Canada.

9. Ian Parenteau

Ian Parenteau is the Returning Officer for the Québec riding of Sainte-Marie-Saint-Jacques and a professor of political science at the Royal Military College Saint-Jean.

Ian became involved with elections as a member of the UN-led Electoral Observation Mission to Haiti in 2006. He was recruited that same year by the Directeur général des élections for Quebec (DGEQ) to become the returning officer of a downtown Montreal riding. Since 2008, he has served on a returning officers' committee advising the DGEQ. In 2009 he was mandated to conduct a feasibility study on the possibility of establishing polling stations for students at community colleges, colleges and universities. Quebec's Electoral Law was changed accordingly and Quebec postsecondary students will be able to vote on campus during the next general election.

Dr. Parenteau holds a Ph.D. in political science from the Université du Québec à Montréal (UQAM) and has studied in Kingston (Ontario), Fredericton (N.B.), Dijon (France) and Montréal. He has taught introductory political science classes to Officer Cadets of the Royal Military College since 2009. Before that, he was editor-in-chief at the Institut du Nouveau Monde (INM), considered the leading non-partisan organisation in Québec dedicated to democratic citizen participation. He has taught at the UQAM and at the University of Ottawa. His primary research interests are focused on political ideologies and elections. In 2008 he co-published (with Dr. Danic Parenteau) a book on political ideologies which is used as a core textbook in numerous colleges and in universities in Québec, France and Belgium.

10. Judy Richard

Judy Richard is the Deputy Chief Electoral Officer for the Province of Prince Edward Island.

Judy's career with Elections PEI began in 1994 when she accepted the position of Returning Officer for the first Municipal election in the then newly incorporated Town of Cornwall. On the recommendation of the provincial Chief Electoral Officer, she was appointed as a Returning Officer for the 1996 Provincial General Election. During her career as a Returning Officer, she administered five Provincial Elections, eight Municipal Elections, five School Trustee Elections and one Plebiscite on Proportional Representation.

In July of 2011, Judy was hired for the position of Manager of Election Operations. In November 2012 she was promoted to become Deputy Chief Electoral Officer.

Ms. Richard finds working at 'head office' for Elections PEI to be an interesting and rewarding endeavour after years of experience as an election field manager. The challenges and opportunities to enhance, improve, build and expand the effectiveness of election management seem, at times, almost limitless to her. She has found the knowledge gained through involvement as an auditor for the 2013 Nova Scotia election to be extremely valuable, and sees many of the lessons learned having application to her jurisdiction as well.

11. Mike Stockfish

Mike Stockfish was appointed Chief Operating Officer at Elections Ontario in June 2008. (Mike will officially be retiring from Elections Ontario in January 2014.)

As Chief Operating Officer, Mr. Stockfish had responsibility for the successful delivery of all operational aspects of Elections Ontario's core business functions in accordance with its Strategic Plan. Since joining Elections Ontario in 2001, Mike Stockfish has held the following positions: Director, Permanent Register of Electors and Administration; Director, Corporate Services; Director Election Finances and Director Electoral Event Services.

Reporting to the Chief Electoral Officer, Mike is currently serving as the Executive Sponsor for an Organizational Effectiveness initiative which is scheduled to be completed before the end of 2013. This project includes a functional review

of all of Elections Ontario's activities, with the results of this work supporting the development of a new organizational structure.

Mike joined Elections Ontario after 22 years at the Bank of Canada. At the Bank he held progressively more senior positions in Ottawa, Toronto and Vancouver. His final position at the Bank of Canada was the Ontario Regional Director and Agent for the Toronto Agency Operations Centre.

Mike was born in Toronto, Ontario, and earned a bachelor's degree in Economics at the University of Western Ontario, followed by a master of business administration (MBA) degree with a concentration in Finance from McMaster University. He also has received a master's certificate in Public Management from the Schulich School of Business at York University.

12. Bernie White

Bernie White is the Municipal Clerk and Chief Electoral Officer for the Cape Breton Regional Municipality (CBRM) in Nova Scotia.

Mr. White held Returning Officer positions at the local government level since the early 1980s. He has been the Chief Electoral Officer for CBRM since municipalities in Cape Breton County were amalgamated in 1995. Bernie has led election teams in six Local Council and School Board Elections since that time, and was the lead administrator in the successful implementation of Internet voting for the 2012 CBRM Municipal Elections.

Bernie White has Bachelor Degrees in Arts (St. FX University) and Social Work (Dalhousie University) and holds designations as a Registered Parliamentarian (RP) and Master Municipal Clerk (MMC). He is a past President of the Association of Municipal Administrators of Nova Scotia (AMANS) and has served on the Board of Directors of the Union of Nova Scotia Municipalities (UNSM).

Bernie is currently serving on an intra-governmental committee which is reviewing the Municipal Elections Act and its administrative Handbook.

Annex 'B' – Team Member Assignments

Auditor Assigned	Region Assigned	District No.	Electoral District Name		
Michael BODA	Central Nova	02	Antigonish (<i>western portion of the district</i>)		
		39	Pictou Centre		
		40	Pictou East		
		41	Pictou West		
Dawn BORUTSKIE	Cape Breton	06	Cape Breton-Richmond		
		06A	<i>Cape Breton-Richmond Satellite RO Office</i>		
		32	Inverness		
		32A	<i>Inverness Satellite RO Office</i>		
	Central Nova	02	Antigonish (<i>eastern portion of the district</i>)		
		20	Guysborough-Eastern Shore-Tracadie (<i>eastern portion of the district</i>)		
Isabel COLLINS	Halifax Regional Municipality	12	Cole Harbour-Eastern Passage		
		13	Cole Harbour-Portland Valley		
		16	Dartmouth East		
		19	Dartmouth South		
		28	Halifax Needham		
Paul HARPELLE	Halifax Regional Municipality	24	Halifax Armdale		
		25	Halifax Atlantic		
		26	Halifax Chebucto		
		27	Halifax Citadel-Sable Island		
		47	Timberlea-Prospect		
Jill LAWRANCE	South Shore	07	Chester-St Margarets		
		36	Lunenburg		
		37	Lunenburg West		
		42A	<i>Queens Shelburne Satellite Office (eastern portion of district)</i>		
Lori McKINNON	Fundy Northeast	10	Colchester Musquodoboit Valley		
		11	Colchester North		
		14	Cumberland North		
		15	Cumberland South		
		30	Hants East		
		48	Truro Bible Hill		
Steve MILLER	Halifax Regional Municipality	04	Bedford		
		09	Clayton Park West		
		22	Fairview Clayton Park		
		29	Hammonds Plains-Lucasville		
		43	Sackville-Beaver Bank		
Ian PARENTEAU	Southwest Nova Scotia	03	Argyle-Barrington		
		08	Clare-Digby		
		42	Queens Shelburne (<i>western portion of the district</i>)		
		51	Yarmouth		
Judy RICHARD	Annapolis Valley	01	Annapolis		
		31	Hants West		
		33	Kings North		
		34	Kings South		
		35	Kings West		
Mike STOCKFISH	Central Nova	20A	<i>Guysborough-Eastern Shore-Tracadie Satellite Office (western portion of the district)</i>		
		17	Dartmouth North		
	Halifax Regional Municipality	18	Preston-Dartmouth		
		21	Eastern Shore		
		44	Sackville-Cobequid		
		50	Waverley-Fall River-Beaver Bank		
		Bernie WHITE	Cape Breton	05	Cape Breton Centre
				23	Glace Bay
38	Northside-Westmount				
45	Sydney-Whitney Pier				
46	Sydney River- Mira-Louisbourg				
49	Victoria The Lakes				
49A	<i>Victoria The Lakes Satellite RO Office</i>				

Notes:

Five of Nova Scotia's largest electoral districts (#06, #20, #32, #40, & #42) had one satellite Returning Office established in each, and these offices had assigned responsibilities for a geographic area within their district. Satellite offices are indicated in italics in the table above. Each satellite Returning Office had an Assistant Returning Officer appointed.

*Three Districts (#02, #20 & #42) were assigned to have split responsibility between two auditors apiece. East/west geographic splits for auditor coverage in these districts are indicated in bold italics in the table to the right.

Total Number of Districts* = 51

Annex 'C' – Summary of Audit Survey Results

The following seven pages give a 'snapshot' analysis of the collective results of measures taken by members of the 2013 Nova Scotia election Audit Team.

Survey forms were used in collecting quantitative and qualitative data at training, voting, counting and results tabulation sites across the province. The survey data was entered into a computer database by the observing auditors on a daily basis.

The following results summary pages follow the structure and order of the audit survey forms used by the election auditors in their review of four key election process areas:

- Election Officer Training see p. 39
- Voting (all types) see p. 41
- Ballot Counting see p. 43
- Results Tabulation see p. 45

Nova Scotia's 39th General Election FORM 'A'

Survey Results for Audit Questions: Election Officer Training

15 Responses

- A1. Which election officer role (or roles) was the training session related to?** (Sessions were combined for multiple roles)
- | | | |
|--|--|----------------------------------|
| <input type="radio"/> Supervising Deputy | <input type="radio"/> Deputy Returning | <input type="radio"/> Poll Clerk |
| Returning Officer | Officer | |
| 20% | 93% | 93% |
- A2. Were goals for the training session (pre-established by Elections Nova Scotia) clearly defined?**
- | | | |
|-----------------------------|--------------------------------------|--|
| <input type="radio"/> Clear | <input type="radio"/> Somewhat Clear | <input type="radio"/> Not at all clear |
| 33% | 40% | 27% |
- A3. Was the instructor knowledgeable about general principles as well as the specific details of the election procedures they were providing training on for this group of election officers?**
- | | | | |
|--|--|--|--|
| <input type="radio"/> Very knowledgeable | <input type="radio"/> Moderately knowledgeable | <input type="radio"/> Somewhat knowledgeable | <input type="radio"/> Not at all knowledgeable |
| 33% | 47% | 20% | 0% |
- A4. Were the supplied instructor's illustrations and Learning Management System (LMS) videos used?**
- | | | |
|--|--|--------------------------------------|
| <input type="radio"/> Yes, extensively | <input type="radio"/> Yes, but minimally | <input type="radio"/> No, not at all |
| 60% | 33% | 7% |
- A5. Was the training material covered, supplemented by the instruction documents distributed, appropriate for someone with no previous experience working at an election?**
- | | | | |
|--|--|--|--|
| <input type="radio"/> Very appropriate | <input type="radio"/> Moderately appropriate | <input type="radio"/> Somewhat appropriate | <input type="radio"/> Not at all appropriate |
| 13% | 33% | 53% | 0% |
- A6. Was the location used for training suitable?**
- | | | | |
|-------------------------------------|---|---|---|
| <input type="radio"/> Very suitable | <input type="radio"/> Moderately suitable | <input type="radio"/> Somewhat suitable | <input type="radio"/> Not at all suitable |
| 27% | 47% | 20% | 7% |
- A7. Was the pace at which the instructor led the course appropriate?**
- | | | | |
|--|--|--|--|
| <input type="radio"/> Very appropriate | <input type="radio"/> Moderately appropriate | <input type="radio"/> Somewhat appropriate | <input type="radio"/> Not at all appropriate |
| 29% | 50% | 21% | 0% |
- A8. Was the instructor accessible for answering questions during the training session?**
- | | | | |
|---------------------------------------|---|---|---|
| <input type="radio"/> Very accessible | <input type="radio"/> Moderately accessible | <input type="radio"/> Somewhat accessible | <input type="radio"/> Not at all accessible |
| 43% | 29% | 29% | 0% |
- A9. Was there sufficient time in the session to cover the material that was being presented?**
- | | | | |
|--|--|---|---|
| <input type="radio"/> Yes, more than enough time | <input type="radio"/> Yes, about right | <input type="radio"/> No, somewhat rushed | <input type="radio"/> No, far too little time |
| 7% | 60% | 27% | 7% |
- A10. Was the instructor respectful of students being instructed?**
- | | | | |
|---------------------------------------|---|---|---|
| <input type="radio"/> Very respectful | <input type="radio"/> Moderately respectful | <input type="radio"/> Somewhat respectful | <input type="radio"/> Not at all respectful |
| 47% | 33% | 20% | 0% |

SUMMATION

The overall quality of this training session was:

- | | | | | |
|---------------------------------|----------------------------|--------------------------------|---------------------------|--------------------------------|
| <input type="radio"/> Very good | <input type="radio"/> Good | <input type="radio"/> Adequate | <input type="radio"/> Bad | <input type="radio"/> Very Bad |
| 29% | 29% | 36% | 7% | 0% |

Nova Scotia’s 39th General Election FORM ‘B’

Survey Results for Audit Questions: Voting – Campus/ Continuous / Advance/ Election Day

242 Responses (all observed voting opportunities combined)

- B1. Were any campaign activities taking place within 60 metres of the entry to this voting location?**
 Yes 2% No 98%
- B2. For someone newly joining the voting queue at this location, did they need to wait for more than five minutes before meeting an election officer who examined their voting credentials?**
 Yes 9% No 91%
- B3. Upon entering this voting location, was the procedure to follow clear and obvious to voters?**
 Very clear 50% Moderately clear 43% Somewhat clear 7% Not at all clear 0%
- B4. Was the layout and space for the voting arrangements adequate for the number of voters at the location?**
 Yes 90% No 10%
- B5. What was the number of election officers working at this voting location? (Answers varied from 1 to 33 – most were under 10)**
- B6. How many candidate agents (scrutineers) were in this voting location? (Answers varied from 0 to 12. Approximately half of all voting locations were reported to have ‘zero’ scrutineer presence)**
- B7. Were voters able to mark their ballots in secret?**
 Yes 95% No 5%
- B8. Did you observe any of the following circumstances inside the voting location:**
- a) Election officers not following required procedures?
 Yes 24% No 76%
 - b) Overcrowding?
 Yes 8% No 92%
 - c) Campaign materials?
 Yes 2% No 98%
 - d) Intimidation of voters?
 Yes 0% No 100%
 - e) Disputes/tension between voters (or candidate agents) and election officials?
 Yes 3% No 97%
- B9. How long did it take voters to cast their ballot from the time they presented an election officer with their Voter Information Card (or other credentials)?**
 Number of minutes: Answers varied from under 30 seconds to 45 minutes, with the majority indicating a time of less than three minutes.
- B10. Was there clearly someone ‘in charge’ of this voting location who would step in and resolve disputes between voters and election officers serving those voters?**
 Yes 92% No 8%

If yes, what position did this person hold?
In vast majority of cases, the correct officer was indicated.

SUMMATION

The overall administration of voting at this location was:

- | | | | | |
|--|-----------------------------------|---------------------------------------|---------------------------------|--------------------------------------|
| <input type="radio"/> Very good
26% | <input type="radio"/> Good
53% | <input type="radio"/> Adequate
17% | <input type="radio"/> Bad
3% | <input type="radio"/> Very Bad
0% |
|--|-----------------------------------|---------------------------------------|---------------------------------|--------------------------------------|

Nova Scotia's 39th General Election FORM 'C'

Survey Results for Audit Questions: Vote Counting

11 Responses

- C1. Was the number of persons who voted at the ballot box being counted (polling station, advance vote, etc.) officially recorded on control sheets before the box was opened?**
- Yes 73% No 27%
- C2. Was the total number of ballots issued to the officer (DRO or Presiding Officer) in charge of the ballot box reconciled against the number of cast ballots, spoiled ballots and remaining unused ballots, and were these numbers officially recorded on prescribed control sheets before the ballot box was opened?**
- Yes 27% No 73%
- C3. Was a count of the total number of ballots in the ballot box performed immediately after the box was emptied?**
- Yes 27% No 73%
- C4. Did the number of ballots in the ballot box exactly equal the number of recorded votes cast (and the number of voters) as had been entered in the control sheets?**
- Yes 73% No 27%
- C5. Did the number of rejected ballots, plus the number of accepted ballots equal the number of ballots originally counted when the ballot box was opened?**
- Yes 100% No 0%
- C6. Were candidate agents (scrutineers) permitted to observe the above proceedings, make objections to ballot mark interpretations, and obtain an official copy of the recorded results per ballot box?**
- Yes 90% No 10%
- C7. Did the poll officials appear to be knowledgeable and in control during the count?**
- Yes 55% No 45%

SUMMATION

The overall administration of ballot counting at this location was:

- Very good 18% Good 18% Adequate 36% Bad 18% Very Bad 9%

Nova Scotia's 39th General Election FORM 'D'

Survey Results for Audit Questions: Vote Results Tabulation (at Returning Office)

11 Responses

- D1. Were the results phoned in from voting/counting locations recorded on supplied, separate paper forms per ballot box?**
- Yes No
100% 0%
- D2. Were the results per ballot box (polling station/division/voting opportunity) data entered into the pre-configured computer database used for tabulating the results for every electoral district in the province?**
- Yes No
100% 0%
- D3. Were there quality control mechanisms in place to ensure that data entry was accurate?**
- Yes No
73% 27%
- D4. Were candidates' agents (scrutineers) present and able to familiarize themselves with the all aspects of the vote result tabulation process?**
- Yes No
82% 18%
- D5. Were media representatives present and able to get regular updates on the district vote results as the tabulation proceeded?**
- Yes No
91% 9%

SUMMATION

The overall administration of vote result tabulations at this location was:

- Very good Good Adequate Bad Very Bad
9% 64% 27% 0% 0%

Appendix B

District of Kings North Recount Report

October 21, 2013



Report of the Chief Electoral Officer
January 2014

District of Kings North Recount October 21st, 2013

Overview of the Recount

Friday, October 11th, 2013

New Democratic Party candidate Jim Morton petitioned Justice Gregory Warner of the Nova Scotia Supreme Court, for a judicial recount following the Provincial General Election held on October 8, 2013. Justice Warner ordered the recount to be held on October 21st, 2013 in the Law Courts in Kentville.

Saturday, October 12th, 2013

Don Fraser, representing Mr. Morton, wrote Richard Temporale, the Chief Electoral Officer for the Province of Nova Scotia (CEO) informing him of the particulars for the recount and that he has served the Official Agents for the Liberal, Progressive Conservative and Green Party candidates of the same on October 11th, 2013.

Copies of the petition and the letter to the CEO are found in Appendix A.

Monday, October 14th through Friday, October 19th, 2013.

Mr. Morton visited the CEO at Elections Nova Scotia headquarters to personally drop off the original copy of Mr. Fraser's letter to Rick Temporale on Monday October 14th and to briefly enquire about previous judicial recount processes and outcomes.

The CEO contacted Justice Warner to introduce himself and broach the subject of recount procedures and processes. Justice Warner said that he had decided to step aside from the process in part because he had what some may perceive as a conflict of interest. He had voted for the candidate of his choice in the general election in the district of Kings North. Justice Warner said that **Justice Michael Wood**

would be presiding over the proceedings and provided contact information for his offices.

The CEO contacted Justice Wood, who in turn offered to meet to discuss the layout and proposed procedures for recounting ballots. A meeting was set for October 19th at 11:30am in Justice Woods' office in Summit Place on Lower Water Street in Halifax. Justice Wood also provided the CEO with the contact information for Lisa Taylor, the prothonotary for the Supreme Court in the Kentville Law Courts.

The CEO contacted Ms. Taylor to discuss practical issues such as the size and flexibility to accommodate physical changes of Courtroom 3, who provides food and beverages for the courts/juries and possible times and dates for a visual inspection of the premises and ongoing discussions with the local returning officer Al Kingsbury. The CEO then contacted the returning officer, briefed him on the discussions to date and requested that he call Ms. Taylor and visit the law courts to determine the logistics for the day including the number of counting areas the room could accommodate, secure storage of the boxes of the voting documents, suitable locations for food and beverages, the public, etc.

The CEO also requested:

- Sandi Little, the Director of Operations, compile a list of returning officers and headquarters staff to be used as deputy returning officers for the count. As with the 2009 judicial recount experience, the CEO's decision to bring in returning officers to conduct the count was based on the following considerations:
 - chosen from among the 50 proven candidates available (returning officer for Kings North excluded)
 - their suitability for job at hand (calm, decisive, the ability to understand and follow processes and not get flustered)
 - ensures quality personnel performing repetitive duties in a highly charged environment under intense scrutiny
 - provides an opportunity for additional election-related experience to a handful of returning officers who may face a similar situation in a future election
 - opportunity for CEO to receive candid feedback from seasoned professionals on the experience of the day for future improvements to the process
 - Roxanne Matthews, Manager of Field Liaison and Ralph Blakeney, administrative assistant to review and update the recount procedures used in the 2009 Inverness judicial recount to reflect the changes in poll procedures used in the 2013 general election.
 - Cynthia Simpson, Executive Assistant to the CEO, to prepare for and arrange:
 - a mock recount of the draft processes with the chosen staff for the afternoon of Wednesday, October 16th
 - a training session and mock recount with the chosen staff and returning officers for the afternoon of Thursday, October 17th
 - for the delivery of the voting documents from the district of Halifax Citadel-Sable Island to be used as the voting documents in the training session for the Thursday afternoon.
- The in-house rehearsal of the updated voting procedures held on Wednesday afternoon led to some minor adjustments in how the processes should unfold. It was also decided at that time to use real 2013 election ballots and forms for the mock recount to be held on Thursday afternoon to train the chosen returning officers under real life conditions. J Envelopes and Statements of the Poll from polling divisions in the District of Halifax Citadel-Sable Island were chosen.
- On **Thursday October 17th**, the training session with the returning officers produced the following decisions.
- Two instead of one election officers per table would be used. One would show and flip the ballots and be in charge of the count, the second would assist with sorting of envelopes and tallying the votes.
 - Five teams of two counters would be proposed to Justice Wood to ensure the recount would conclude within a reasonable timeframe over one day.
 - Four teams of two returning officers would concentrate solely on recounting the election day and advance poll ballots.
 - The two head office staff, Roxanne Matthews and Ralph Blakeney would form the fifth team. They would concentrate solely on the write-in ballot and continuous polls and, if time permitted, the mobile poll. The two were given these responsibilities

because the write-in and continuous polls were not only the largest polls but also because of the write-in rather than X mark on the ballot, likely the most contentious. They were also most familiar with the count processes.

- One additional returning officer would accompany the five teams to relieve individuals who needed a break and for contingency purposes in the case of sickness, etc.

Election Officer Team Conducting the Count

Team One:

- Ted Bulley, Queens-Shelburne
- Jim Breeze, Chester-St. Margaret's

Team Two:

- Krista Daley, Halifax Citadel-Sable Island
- Christine Blaire, Truro-Bible Hill-Millbrook-Salmon River

Team Three:

- Mike Baker, Hammonds Plains-Lucasville
- Mark Jamieson, Sackville-Beaver Bank

Team Four:

- Eileen Pelham, Halifax Atlantic
- Valeria Shupe, (former returning officer)

Team Five:

- Roxanne Matthews
- Ralph Blakeney

Spare:

- Sher-Lee Kerr, Waverley-Fall River-Beaver Bank

At close of business on Thursday, the CEO emailed Justice Wood the draft reworked processes completed to date including draft step-by-step instructions for counting election day ballots, advance and write-in ballot polls, examples of acceptable and unacceptable ballots for both write-in and election day style ballots used

by poll officials during the election and draft discussion points for their scheduled meeting on Friday.

On **Friday October 18th**, the CEO and ACEO met with Justice Wood to present for his consideration, their thoughts on the logistics, layout, processes and procedures for the recount on Monday October 21st. A copy of the draft Discussion Points is provided in Appendix B.

They discussed the number of counting tables that the CEO was recommending Justice Wood consider to complete the recount within business hours on Monday. Given the layout of Courtroom 3 (photos of the court room are provided in Appendix C), Justice Wood agreed with two conditions, firstly, the interested parties had no reasonable concerns with the number of tables proposed and secondly, the room could be arranged to accommodate the five workstations. The CEO also provided him with a copy of the binder they proposed to provide to all interested parties in advance of the recount. The interested parties included:

- Justice Wood
- All candidates who ran in Kings North
- The observers for each candidate
- The election officers conducting the recount
- Al Kingsbury, returning officer for Kings North
- ENS staff present at the count (CEO, ACEO, Director of Operations)
- Phil Reid (Counsel for ENS)

Justice Wood suggested he review the materials provided and respond by email with any questions and/or changes he wanted to see. Justice Wood responded by email later that same day indicating that he had completed his review of the recommended procedures for the recount and was prepared to

accept them, subject to any issues raised by any party at the beginning of the process on Monday.

With respect to item 4 on the agenda of discussion points, Justice Wood cautioned that we could provide him with information on the types of ballot issues he could be asked to rule on but not arguments for or against a particular position. He said he would entertain those types of discussions with all interested parties involved on Monday. He also accepted the CEO's proposal to have ENS staff meet with the candidates and their representatives on Sunday, October 20th in Kentville to review the recount procedures as proposed, to answer any questions they may have at that time and to provide them with copies of the binders for their review. The contents of the binders provided are included in Appendix D.

Al Kingsbury informs the four candidates that Justice Wood has tentatively agreed five table simultaneously counting ballots continuously until the recount is completed and therefore, each candidate should consider having enough observers plus spares to cover each table. He extends an invitation to them and their observers to attend a briefing to be conducted by the CEO and ACEO at the Kings North returning office in Kentville at 3:00pm Sunday.

The Progressive Conservative, Liberal and New Democratic candidates accepted the invitation.

Sunday, October 20th

At 3:00pm after introductions, the CEO, ACEO and Al Kingsbury briefed the candidates and their representatives on the processes and procedures to be followed. Both the NDP and PC parties had several representatives at the briefing including the legal counsels, Don Fraser for candidate Jim Morton, NDP and Jeff Hunt for candidate John

Lohr, PC. Candidate Stephen Pearl, Liberal attended by himself. Candidate Mary Lou Harley, Green Party declined attendance.

Several questions were raised, primarily around how the processes were to proceed which were satisfactorily answered.

Questions about acceptable and rejected ballots were directed to tabs 3 and 5 of the binders along with the statement that these were examples provided by ENS to all DROs and presiding officers to follow during their count of ballots. Should any one of them disagree with the examples given, they could present their case to Justice Wood through their legal counsel. Justice Wood was not bound to these examples.

Those present were also told Justice Wood would consider objections to the proposed processes and procedures, Monday morning prior to commencing the recount.

At a meeting at 5:00pm with the five teams of election officers, Al Kingsbury walked through the issues he felt might arise during the recount of each polling division's ballots.

ENS provided Al with labelled boxes for the records from each polling location. The documents were packed into the boxes and sealed in preparation to be transported to the law courts by cube van on Monday morning at 8:00am.

Monday, October 21st, 2013

8:00am

Al Kingsbury and deputy presiding officer, Hugh Stronich load the truck with 47 boxes of poll documents, one for each polling division to be counted.

8:30pm

Boxes of poll documents are secured in the back rows of the public gallery in Courtroom 3.

Logistics of the day are discussed with Court support staff.

ENS members and count teams arrive to support AI in room preparation

Furniture in Courtroom 3 is rearranged to accommodate five teams for counting ballots. It will be cramped but manageable.

Each team assembles their work station and prepares supplies for the count.

9:30am

Candidates, observers and press enter the court and are informed of the layout for the count including the table dedicated to write-in and continuous poll counting.

Press is asked to wait for permission from Justice Wood before filming the room.

Candidates are asked to assign counting stations to their observers.

Observers and counting teams are introduced to each other and begin to discuss the counting process at that station.

9:40am

Justice Wood enters the court and addresses those present with his opening remarks. He asks the candidates and their representatives if they have any questions or concerns with the proposed process for counting ballots. With none being expressed he asked if there were any other issues to be discussed.

The CEO asked for clarification with respect to media in attendance.

Justice Wood decided the media will be permitted in courts throughout the proceedings and pictures and video will also be permitted from a distance (no capturing of ballots or poll records).

The CEO asked that once a ballot box had been counted and signed off by Justice Wood could Al Kingsbury remove the box from the court to safe storage next door.

Justice Wood agreed.

Court deputies are briefed on decisions of Justice Wood with regard to courtroom etiquette including:

Where food and beverages for all participants would be located;

Other than bottled water, no food or beverages is to be permitted at the tables counting ballots;

No one other than Al Kingsbury or Hugh Stronich will be permitted in the vicinity of the boxed poll documents;

Members of the public and spare observers are welcomed to view from the public gallery but should not be permitted into the area where ballots are being counted;

No idle conversations should be carried out in the courtroom;

All those present should talk with muted voices;

The count would continue without interruption until all polls were completed. Breaks, including lunch would be decided at each counting table as required.

9:50am

Al Kingsbury delivers boxes of documents to be counted to the five stations and the count commences. Throughout the day, as a counting station completed the count of a ballot box and Justice Wood had signed off on the Statement of Poll, the teams would take a short break for food, beverages and personal needs then commence the count of the next box delivered. Spare observers and count team members were substituted into the process seamlessly.

As expected, it took some time for the counters and the observers to become comfortable with each other, their roles and the counting procedures. As a consequence, it took considerably less time to complete the counting of polls as the day progressed. The exceptions to this rule were the continuous and write-in ballot polls. Due to the nature and the

number of the ballots to be counted, the table assigned these two polls six hour to count these two polls alone.

Time	Polls Completed
9:50	0
10:20	1
10:50	5
11:30	10
12:30	15
1:10	20
2:00	25
2:50	30
3:30	35
4:20	40
5:10	48

Decisions by Justice Wood on accepted and rejected ballots of consequence

1. Write-in Ballot cast with a registered party's name and a candidate's name that was not contesting the election in Kings North.
 - a. In guidelines provided to poll officials conducting the count of the write-in and continuous polls on election day, ENS had suggested that a ballot filled out in this manner be rejected.
 - b. Justice Wood decided that ballots marked in this manner should be accepted on the grounds that:
 - i. It was clear that the voter's intent was to cast a valid vote;
 - ii. It was clear that the voter identified the party he/she wished to vote for;
 - iii. The writing in of the name of the candidate was not mandatory; and therefore,
 - iv. The ballot should not be rejected because the candidate's name was not recognizable.
2. Write-in Ballot cast with the name of a candidate that was contesting the election in a neighboring electoral district to Kings North without identifying a registered party's name.
 - a. In guidelines provided to poll officials conducting the count of the write-in and continuous polls on election day, ENS had suggested that a ballot filled out in this manner be rejected.
 - b. Justice Wood agreed that ballots marked in this manner should be rejected on the grounds that:
 - i. Without identifying a registered party running a candidate in the Kings North election, it was inconclusive who the voter intended to vote for in Kings North; and therefore
 - ii. The ballot should be rejected.
3. Write-in Ballot cast properly but with marks on the front of the ballot that could be construed as initials that could identify the voter casting the ballot.
4. An election day style ballot cast properly but with marks on the back of the ballot that could be construed as initials that could identify the voter casting the ballot.

5:20pm

Justice Wood completes his Summary Statement of the Polls for the District of Kings North and compares his totals to those compiled by the ACEO on an excel spreadsheet.

Justice Wood addresses those present and confirms the valid votes cast for each candidate:

Progressive Conservative candidate	
John Lohr	2,903
New Democratic Party candidate	
Jim Morton	2,882
Liberal Party candidate	
Stephen Pearl	2,787
Green Party candidate	
Mary Lou Harley	362

A copy of the media release can be found in Appendix E.

Signed copies of the Official Results were prepared and provided to the interested parties present.

Awarding of Costs

With respect to making such order as he considered fit respecting costs, including the disposition of money deposited as security for costs, he asked the representatives of the candidates and the counsel for Elections Nova Scotia if they wished to petition for costs. Both the counsel for the PC and NDP candidates suggested they didn't think they were inclined to ask for costs to be awarded but asked if they could have some time to reflect on the question of costs before responding. The counsel for ENS responded he would discuss the matter with the Chief Electoral Officer. Justice Wood stated he would reserve his decision on costs until Friday, October 25th, 2013 and gave all interested parties until then to make submissions to him on this issue.

Ultimately, Justice Wood did not award costs and ordered the NDP candidate's deposit as security for costs be returned to the candidate.

Concluding Remarks

Justice Wood thanked all those who participated in the recount process for their professionalism and for their time and declared the recount process concluded.

6:00pm

Courtroom 3 was restored to its pre-recount configuration and all election-related materials had been secured off-site for return to ENS headquarters.

Comparison of Results – Official versus Recount by Poll

From time to time we have been asked "How much of a change in results can you expect to see with a recount?"

Appendix F contains a comparison of the poll by poll results for the Official Count versus the Recount.

The largest change in the Recount derived from the review of the Continuous Poll. Three ballot boxes

were used in the Continuous poll. It was found in the review that there was an addition error when summing the totals for the ballots cast for Jim Morton. This addition error led to 11 additional ballots counted for the candidate.

Of the 8,972 ballots cast, a relatively small number of ballots cast were reconsidered by Justice Wood. Of the 803 write-in ballots cast in the Write-in and the Continuous Polls, 4 ballots (0.5% of the ballots cast) were reconsidered. Of the 8,169 "regular" ballots cast in 44 election day and 4 advance polls, 2 ballots or 0.025% of the ballots cast were reconsidered.

Debrief of the Returning Officers acting as DROs and ENS staff present at the recount

Rather than carry out a formal debrief immediately after the close of recount, ENS decided to give those who participated an opportunity to think about what they would consider to improve the process and spend an hour writing down their thoughts on what they would do:

- To make it better, faster, cheaper more accurate?
- As an RO to prepare during the election in order to get through a judicial recount as well or better than the Kings North judicial recount?

All returning officers felt that the process ran smoothly and efficiently as planned. The provision of a spare returning officer to substitute for members of the five teams that could use a break from time to time was appreciated but under-utilised, largely because the members of each team felt a personal obligation to continue the tasks presented. In future, the use of a spare should be part of the training of those participating and a more systematic method of deploying the spare should be developed and implemented.

Reflections of the counsels representing the candidates

Similar to the questions posed to the returning officers and ENS staff participating in the recount, the CEO asked Don Fraser, counsel for Jim Morton and Jeff Hunt, counsel for John Lohr, their thoughts on the process and how we might improve it. A copy of this draft report was provided to them in advance of those discussions.

Appendix G contains the comments provided by Jeff Hunt, counsel for John Lohr.

Reflections of Justice Wood

The CEO requested and Justice Wood agreed to set aside a time slot to discuss his overall thoughts on the recount process. A copy of this draft report was provided to Justice Wood in advance of those discussions.

Appendix H contains the comments provided by Justice Wood to the CEO.

ENS reflections on the Recount Process

Based on the comments received in the reports mentioned above, the following suggestions should be considered for future judicial recounts.

1. For the reasons outlined in Justice Wood's comments in Appendix I, the continued use of a provincial courtroom as the venue for conducting a recount is recommended provided that:
 - a. The number of ballots (9,000) and polls (48) to be counted are approximately the same or marginally greater than those experienced in Kings North; and,
 - b. The courtroom provided is of sufficient size to permit the use of a minimum of five tables.

If either of these conditions cannot be accommodated, the CEO should discuss the merits of using an alternative site that would permit the use of five or more tables and the

completion of the recount in one day with the presiding Justice.

2. The inclusion of at least one spare returning officer to spell off the members of the teams conducting the recount should be continued provided that:
 - a. The substituting in and out of the spare is part of the training provided to the teams in advance; and,
 - b. A better way of utilizing the spare(s) is developed and implemented.
3. The set up and role play of a mock recount table with counters and observers should be introduced as part of the briefing for candidates and their team members participating in the recount the day before the recount.
4. Post a copy of this report on the ENS website and provide hard and soft copies to the registered parties for their files and future reference if and when the need arises in future.

Direct cost associated with conducting the Kings North Recount

The direct costs to ENS associated with conducting this recount are estimated to be \$14,290.

Although the salaries associated with ENS full time and contract staff are not included in this breakdown, the overtime costs associated those staff that get paid overtime are included.

Election Calendar 2013

Writs Issued, Notice of Election issued	Day 31*	Sept 7
Returning Offices open and operational		
Voting at Continuous Poll commences		
Voting by in-district and out-of-district Write-in Ballot commences		
Target Enumeration begins		
Candidate Nominations open	Day 29	Sept 9
Certification of the Preliminary List of Electors		
Preliminary Lists provided to each registered party and independent candidate		
Voter Information Cards mailed to all registered electors		
Campus Poll voting begins	Day 15	Sept 23
Candidate Nominations close 2:00 pm		
Grant of Poll issued	Day 14	Sept 24
Hospital voting begins	Day 8	Sept 30
Hospital voting ends at 5:00 pm	Day 6	Oct 2
Campus Poll voting ends at 4:00 pm		
Continuous poll ends at 6:00 pm		
Issuing of out-of-district Write-in Ballots ends at 6:00 pm		
Revision ends at 6:00 pm		
Revised List of Electors certified and provided to each party and independent candidate	Day 5	Oct 3
Advance poll 10:00 am to 8:00 pm	Day 4	Oct 4
Advance poll 10:00 am to 8:00 pm		
Issuing in-district Write-in Ballots ends at 8:00 pm		
Transfer Certificates available for candidates, candidates agents or electors physically impeded from voting at their assigned polling station	Day 3	Oct 5
Official List of Electors certified and provided to each party and independent candidate		
Transfer Certificates available to election officers appointed after the last day of the advance poll to vote at their assigned polling station	Day 2	Oct 6
Election Day 8:00 am to 8:00 pm		
All write-in ballots must be returned to the Returning Office by 8:00 pm	Day 0	Oct 8
Official Addition 10:00 am	Day -2	Oct 10
Return of the Writ	Day -10	Oct 18



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