

## Candidate Name Appearance Policy

### Policy Statement

The Nova Scotia *Elections Act* (the *Act*) allows prospective candidates to request how they wish their name to appear on the ballot. Prospective candidates may request to use a usual name(s) instead of their legal first name(s), surname, or both. The intent of these provisions in the *Act* is to allow candidates to be presented on the ballot in the way in which they have chosen to familiarize themselves to the electorate, while maintaining a ballot production standard which treats all candidates equally in terms of ballot appearance.

### Scope

This policy provides ENS staff, ROs, and prospective candidates with a clear understanding of the guidelines that determine how a candidate's name will appear on the ballot.

- 1) The Candidate Name Appearance Policy is designed to provide ENS staff, including ROs, with a clear understanding of their responsibilities for processing the Candidate Nomination form (Form 105).
- 2) The policy also clarifies the candidate name appearance guidelines in the Candidate's Guide that instructs prospective candidates, and their associates, on accurate completion of the Candidate Nomination form (Form 105).

### Authority

#### ***Elections Act (the Act)***

Section 65(1)(a)(i) of the *Act* requires that candidate nomination documents must include a signed statement by the prospective candidate which includes their legal name.

Section 65(1)(a)(ii) further states that the same documents must contain the name by which the prospective candidate is usually known, if different than the legal name, if the prospective candidate wishes to have that name on the ballot instead of the prospective candidate's legal name.

Section 73 of the *Act* deals with the arrangement on names on the ballot and states, where two members are to be elected for an electoral district, the candidates may by the close of nominations agree in writing to their names being arranged on the ballot otherwise than alphabetically, and the returning officer shall have the names arranged accordingly. 2015, c. 17, s. 25.

## Definitions

Term	Definition
Candidate	A person who has been officially nominated as a candidate at an election period endorsed by a registered party or declared as an independent candidate pursuant to Section 67 of the <i>Act</i> .
Elector	A person who is a Canadian citizen at least eighteen years old, an eligible elector, and is not disqualified by the <i>Elections Act</i> or otherwise prohibited by law from voting.
First Name	The first name that precedes the surname;
Legal Name	The entire name that an individual is identified with on official identification such as birth certificate, citizenship, or government-issued change of name certificate.
Middle Name	The name(s) that follows the first name and precedes the surname.
Nomination	The process that takes place during the nomination period of an election, following the issuing of the Writ through which an individual obtains certification as a candidate during an election period.
Prospective Candidate	A person who self-declares as an independent candidate or an individual that is declared by others, with the individual's consent to be a candidate, and is completing the Candidate Nomination form for an election period.
Single Name	A Single Name is the name an individual may legally adopt if this is part of their traditional culture. Applications to change a name to a Single Name are reviewed and approved by the Chief Electoral Officer and must be accompanied by the prescribed evidence listed in the application form. A single name will be treated as a surname and will appear on the ballot in all caps.
Surname	The name shared by members of a family; also known as a last name.
Usual Name	A name that is ordinarily used if different than the legal name. It can: <ul style="list-style-type: none"> <li>• Include shortened, abbreviated, usual forms of, or initials represent first name(s), single name, or surnames, or nicknames.</li> <li>• Not include credentials, salutations, adjectives, descriptive words, or phrases.</li> </ul>

## **Policy Overview**

During electoral events in Nova Scotia, prospective candidates have the option to request the use of a usual name that differs from their legal name on the ballot. This option is provided under the *Act*, to promote fairness and clarity for candidates and electors alike.

Elections Nova Scotia (ENS) is responsible for the administration of the *Act*, and has developed this policy to provide a clear and easy reference for the guidelines on how prospective candidates can request the use of a usual name that is different from their legal name as well as a guide for ENS staff and Returning Officers (ROs) to integrate this policy with existing practices.

## **Accountability and Responsibilities**

### **Elections Nova Scotia (ENS)**

- ENS is responsible for the administration of the *Elections Act*.
- ENS is responsible for the development and maintenance of this policy.

The following are the major roles and responsibilities under the Candidate Name Appearance Policy.

### **Chief Electoral Officer (CEO)**

- The CEO must consult with, advise, and supervise the ENS headquarters staff, and ROs in the performance of their duties. With respect to the Candidate Name Appearance Policy the CEO is responsible for:
  - a. Communicating any usual name appearance determination to the relevant RO on the day following the close of nominations.
  - b. Prescribing the forms for use under the *Act* and provide guidelines and instructions for the accurate completion of those forms.

### **Assistant Chief Electoral Officer (ACEO)**

- The ACEO may act in place of the CEO if required. If acting for the CEO, the ACEO is accountable for the same responsibilities as described above.

### **Chief Financial Officer (CFO)**

- The CFO may act in place of the CEO if delegated. If acting for the CEO, the CFO is accountable for the same responsibilities as described above.
- Trains ROs on their responsibilities as defined herein and the guidelines for candidate name appearance.
- Ensures that with respect to the Candidate Name Appearance Policy, their division:
  - a. Follows the policy, and the guidelines pertaining usual names.

- b. Ensures that the Candidate Name Appearance Policy is integrated into applicable existing and new program development and modernization/restructuring.
- c. Ensures that Candidate Name Appearance Guidelines identify and integrate with:
  - i. Standards for ENS headquarters staff and ROs to assess the accuracy and completeness of the Candidate Nomination form for the purposes of certifying candidates.
  - ii. Guidance for candidates to ensure accurate completion of the Candidate Nomination application form (F105).
  - iii. Record-keeping standards to ensure that the candidate name as it appears on the ballot is traceable against the records and documentations associated with the legal and financial filings for the candidate.
  - iv. Provide the Director of IT the necessary information to ensure that any information technology systems or records management ties the legal name of the candidate to the candidate name as it appears on the ballot.
- d. Ensures that staff administering the nomination process(es) are trained and knowledgeable in their applicable responsibilities and duties under the Candidate Name Appearance Policy.
- Reviews nomination applications with respect to the name provided by the prospective candidate for the name on the ballot. This includes reviewing the evidence submitted to support the claim of a different surname.

### **Director of Information Technology**

- Ensures that the legal name or usual name for each candidate is entered into the EMS system as the names will appear on the ballot.
- From the EMS system, provides the Director of Operations with the final list of all candidate names to appear on the ballot for the purpose of ballot production.

### **Director of Operations**

- Ensures the accuracy of candidate names on the ballot by proofing all ballots to be produced against the final list of candidate names provided by the CFO.

### **Returning Officers (ROs)**

- Determine the appearance of each candidate name in the case of two or more prospective candidates with requesting substantially similar names to appear on the ballot according to Section 73 of the *Act*.

### **ENS Staff and Returning Officers (ROs)**

- With respect to the Candidate Name Appearance Policy all employees at ENS headquarters or ROs must:
  - a. Follow directives and understand their responsibilities pertaining to the Candidate Name Appearance Policy.
  - b. Execute their duties in respect of the policy's purposes and directives, and any guidelines or definitions that apply to the execution of their duties.

## Policy Directive


### Guidelines for Candidate Name Appearance Policy

- 1) Any candidate applying for nomination must provide their full legal name including any first name(s), middle name(s) (if applicable), single name (if applicable), and surname in the Candidate Nomination form (F105).
- 2) Candidate names will appear alpha sorted on the ballot by the surname or different name provided in the "Name as I Wish it to Appear on the Ballot" field of the Candidate Nomination form (F105)
- 3) Dialectical marks, accents, or other punctuations (consistent with those found in English and French) will appear where they are part of a candidate's legal name(s), single name, or usual name.
- 4) Lower case letters will only appear on the ballot as part of a candidate's legal or usual first name and middle name (if applicable). Surnames and single names will appear on the ballot in all caps.
- 5) No occupation, credentials, salutations, adjectives, descriptive words, or phrase, title, honour, decoration, degree or quotation marks are permitted with a candidate's name on the ballot.
- 6) At the prospective candidate's request, and as indicated in the "Name as I Wish it to Appear on the Ballot" field of the Candidate Nomination form (F105), a usual name, or an abbreviation, or usual form of a first name or surname, or single name may be used instead of their legal first name(s) or surname.
  - In the case of a usual name, the prospective candidate is required to submit, to the returning officer, evidence supporting their request to use a usual name.
  - In the case of a single name, the prospective candidate is required to submit the prescribed evidence listed in the application form to the returning officer.
    - Single names in all cases will function as surnames for the purposes of ballot appearance and other nomination documentation.
- 7) Below is a list of examples of evidence that will be accepted as proof of a usual form of surname or single name. This list is not exhaustive and is meant as a guide to demonstrate the wide variety of evidence that will be accepted by Elections Nova Scotia.
  - Newspaper/Magazine articles
  - Campaign signage/flyers/promotional material
  - Education certificates/diplomas
  - Union card/professional license
  - Debit/Credit cards
  - Professional or political social media accounts
  - Membership cards/passess
  - Radio or TV interviews

- Professional ID badges/Employee cards
- Professional or political websites
- Invoices/bills/financial statements

**Similar or Identical Candidate Names**

- In the case where there are two candidates in the same electoral district with names that are so nearly identical as to create the possibility of confusion on the ballot,
  - The RO shall immediately communicate the facts to the candidates involved and to the CEO.
  - The CEO shall consult with the candidates in question and resolve how each name is to be shown on the ballot.
  - The CEO shall advise the RO how the names are to appear on the ballot the day following of the close of nominations.

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