Report of the Chief Electoral Officer on the Proceedings of the By-Elections, July 14, 2015
Volume I: Statement of Votes and Statistics

## X. ELECTIONS <br> NOVA SCOTIA

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Volume I: Statement of Votes and Statistics


## ELECTIONS NOVA SCOTIA

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November 12, 2015

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

Dear Mr. Speaker,

I have the honour to present the report of the Chief Electoral Officer on the proceedings of the Cape Breton Centre, Dartmouth South, Sydney-Whitney Pier By-elections, held on July 14, 2015.

I respectfully request that you submit this report to the House of Assembly at your convenience during the next upcoming sitting.

This report is submitted to the House of Assembly in accordance with Section 163 of the Elections Act.

Respectfully submitted,


Richard Temporale, Chief Electoral Officer

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## 1. Introduction

The death of Nova Scotia Liberal Party member the Honourable Allan Rowe, representing the electoral district of Dartmouth South, and the resignations of Nova Scotia New Democratic Party members the Honourable Frank Corbett, representing the electoral district of Cape Breton Centre, and the Honourable Gordie Gosse, representing the electoral district of Cape Breton Centre, created three vacancies in the Nova Scotia House of Assembly effective March 16, 2015 in Dartmouth South and April 2, 2015 in Cape Breton Centre and Sydney-Whitney Pier.

On Saturday, June 13, 2015, pursuant to an Order of the Lieutenant Governor in Council, a writ of election was issued under the Elections Act by the Chief Electoral Officer (CEO) to the returning officers for Cape Breton Centre, Dartmouth South, and Sydney-Whitney Pier, ordering that elections be held in each of these electoral districts on July 14, 2015. The CEO published an election calendar, a copy of which is shown in Appendix A. The calendar counts downward from the day the writ was issued, June 13th, 31 days before election day, to ten days day after election day, July 24, the earliest date for the return of the writ of election. The calendar also identifies key filing dates for official agents, for filing the reconciliation of tax receipts and the return of unused receipts to the returning officer, 30 days after election day and for the filing the Audited Report of Candidate's Election Expenses with Elections Nova Scotia, 70 days after election day.

At the time of the by-elections call, the distribution of seats by registered parties in the Nova Scotia House of Assembly was: 32 members from the Nova Scotia Liberal Party (NSLP); 10 from The Progressive Conservative Association of Nova Scotia (PC); five from the Nova Scotia New Democratic Party (NSNDP); one independent member and three vacancies.

Nominations closed on June 30, 2015. Three candidates stood for election in Cape Breton Centre, one each from the NSLP, the NSNDP, and PC parties. Four candidates stood for election in Dartmouth South, one each from NSLP, the NSNDP, and the PC parties, and one independent. Three candidates stood for election in Sydney-Whitney Pier, one each from the NSLP, NSNDP, and the PC parties.

Early voting opportunities commenced within two days of issuing the writ, on Monday June 15,2015 . This was the first day the returning offices were open to the public and electors could apply to vote by write-in ballot. A continuous poll was held in the returning offices from June 15 to July 9, excluding Sundays and the July 1 national holiday. Two consecutive days of advance polling on the Friday and Saturday before election day were held on July 10 and July 11.

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At the close of polls on election day, there were 13,389 electors on the final list of electors ${ }^{1}$ in Cape Breton Centre, 17,100 in Dartmouth South, and 18,310 in Sydney-Whitney Pier. A total of 6,341 electors (47.4\%) voted in Cape Breton Centre, 6,486 (37.9\%) in Dartmouth South, and 7,768 (47.4\%) in Sydney-Whitney Pier.

On July 24, 2015,

- David Wilton, NSLP was declared elected in Cape Breton Centre,
- Marian Mancini, NSNDP was declared elected in Dartmouth South, and
- Derek Mombourquette, NSLP was declared elected in Sydney-Whitney Pier.


## 2. Electoral Geography

### 2.1 Electoral Districts

The boundaries for the electoral districts of Cape Breton Centre, Dartmouth South and Sydney-Whitney Pier were enacted in 2012 under the House of Assembly Act ${ }^{2}$ on the recommendation of the Nova Scotia Electoral Boundaries Commission. Maps displaying the three electoral districts and the poll-by-poll results for the by-elections are shown in Appendix B.

### 2.2 Polling Stations

In Cape Breton Centre there were 38 polling stations at 16 polling locations which included 34 election day polls, one mobile poll to service four long term care facilities, one continuous poll, one write-in ballot poll and one polling station for advance poll. In Dartmouth South there were 47 polling stations at 14 polling locations, which included 41 election day polls, three mobile polls to service four long term care facilities, one continuous poll, one write-in ballot poll and one advance poll. In Sydney-Whitney Pier there were 46 polling stations at 11 polling locations, which included 42 election day polls, three mobile polls to service four long term care facilities, one special poll, one write-in ballot poll and one advance poll.

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Table 1: Number of Polling Stations by Type

| Electoral District | Number of Polling Stations by Type |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Election Day | Mobile | Continuous | Write-in ballot | Advance | Total |
| Cape Breton Centre | 34 | 1 | 1 | 1 | 1 | 38 |
| Dartmouth South | 41 | 3 | 1 | 1 | 1 | 47 |
| Sydney-Whitney Pier | 42 | 3 | 1 | 1 | 1 | 46 |

Cape Breton Centre, Dartmouth South, Sydney-Whitney Pier By-elections, July 14, 2015

## 3. Voting Opportunities

### 3.1 Write-in Ballot Polls

Electors were entitled to vote by write-in ballot. There were four methods by which an elector may apply for a write-in ballot: by mail, by agent, by write-in ballot coordinator, and in person. Applications for a write-in ballot were available to all electors upon the opening of the returning offices on June 15. The deadlines in subsection 101(3) of the Elections Act, to apply for a write-in ballot as shown on the Election Calendar in Appendix A were day 10 by mail, day 3 by agent or write-in ballot coordinator. These deadlines are administrative necessities imposed to ensure there is sufficient time for the application process to be completed and approved and subsequently, for the ballots to be delivered, completed and returned for counting by the close of polls at 8 pm on election day. Electors presenting themselves at the returning office to vote, voted in the continuous poll.

As shown in the poll-by-poll results in Appendix B, a total of 224 electors voted by write-in ballot (WIB) in Cape Breton Centre, 46 in Dartmouth South, and 142 in Sydney-Whitney Pier. This was 14, 198, and 137 fewer respectively than in the October 8, 2013 Provincial General Election (PGE).

### 3.2 Continuous Polls

Except for Sunday, June 21, June 28, July 5 and Canada Day Wednesday, July 1, when the returning offices were closed to the public, electors could vote in the continuous poll at a returning office each day from June 15 to July 9 from 9 am to 6 pm. A total of 369 electors voted at the continuous poll in Cape Breton Centre, 876 in Dartmouth South and 1,206 in Sydney-Whitney Pier, compared with 407, 1,024, and 1,190 respectively during the October 8, 2013 PGE.

### 3.3 Advance Polls

Advance polls were open on July 10 and 11 from 9 am to 8 pm . As shown in the poll-bypoll results in Appendix B, a total of 974 electors voted at the advance poll in Cape Breton Centre, 638 in Dartmouth South and 1,079 in Sydney-Whitney Pier, compared with 1,395, 1,416 , and 1,538 respectively during the October 8,2013 PGE.

### 3.4 Election Day Polls

On July 14, 2015, election day, the polls were open from 8 am to 8 pm . There were 34 election day polls in Cape Breton Centre, 41 in Dartmouth South and 42 in Sydney-Whitney Pier. A total of 4,722 electors voted at an election day poll in Cape Breton Centre, 4,645 in Dartmouth South and 5,233 in Sydney-Whitney Pier, compared with 5.581, 5,859, and 7,131 respectively during the October 8, 2013 PGE.

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### 3.5 Mobile Polls

On July 14, 2015, election day, there was one mobile poll team servicing two polls in Cape Breton Centre, 3 teams servicing six polls in Dartmouth South and one team servicing three polls in Sydney-Whitney Pier. A total of 101 electors voted at the mobile poll in Cape Breton Centre, 281 in Dartmouth South and 108 in Sydney-Whitney Pier, compared with 46, 301, and 142 respectively during the October 8, 2013 PGE.

## 4. Elector Participation

### 4.1 Elector Registration

When the returning officers certified the preliminary lists of electors on June 22, there were 13,337 electors on the list in Cape Breton Centre, 16,937 in Dartmouth South, and 18,175 in Sydney-Whitney Pier. At the conclusion of revision, day 6 of the election calendar, the returning officers certified the official lists of electors. The list in Cape Breton Centre contained 13,302 electors, 16,939 in Dartmouth South and 18,238 in Sydney-Whitney Pier.

During the revision process, electors were added to and removed from the list as a result of various revision activities including the enumeration of the long term care facilities, door to door targeted revision at addresses known for high turnover of tenants, and the return of mailed out voter information cards (VIC) by Canada Post. A VIC was mailed to each elector on the preliminary list. Canada Post returned those cards that were not deliverable. After election day, there were 13,389 electors on the final list in Cape Breton Centre, 17,098 in Dartmouth South, and 18,308 in Sydney-Whitney Pier.

Table 4 indicates the participation of eligible electors in the three by-elections, by age group. Between $18 \%$ and $30 \%$ of electors 18-24 voted compared to between $46 \%$ and $62 \%$ of electors $55+$. In the 2013 PGE, approximately $20 \%$ of electors 18-24 and more than $70 \%$ of electors 55 or over voted.

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Table 2: Number of Electors and Voters by Age By-elections July 14, 2015

| Age Range | 05 - Cape Breton Centre |  |  | 19 - Dartmouth South |  |  | 45 - Sydney-Whitney Pier |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Electors | Voted | \% Voting | Electors | Voted | \% Voting | Electors | Voted | \% Voting |
| 18-24 Years | 1038 | 313 | 30\% | 1132 | 203 | 18\% | 1261 | 309 | 25\% |
| 25-34 Years | 1678 | 412 | 25\% | 2754 | 547 | 20\% | 2528 | 562 | 22\% |
| 35-44 Years | 1711 | 556 | 32\% | 2478 | 703 | 28\% | 2576 | 717 | 28\% |
| 45-54 Years | 2456 | 1176 | 48\% | 2920 | 1011 | 35\% | 3257 | 1342 | 41\% |
| 55-64 Years | 2939 | 1686 | 57\% | 3295 | 1515 | 46\% | 3557 | 1837 | 52\% |
| 65-74 Years | 2079 | 1294 | 62\% | 2270 | 1308 | 58\% | 2636 | 1565 | 59\% |
| 75+ Years | 1480 | 854 | 58\% | 2230 | 1175 | 53\% | 2466 | 1237 | 50\% |

## 5. By-election Results

### 5.1 Cape Breton Centre

On July 16, Marie MacLeod, returning officer for Cape Breton Centre completed the return of the writ declaring David Wilton (NSLP) elected and transmitted it to the Chief Electoral Officer. A summary of valid votes received by candidate is shown in Table 5. The poll-by-poll results are shown in Appendix B.

Table 3: Summary of Votes Received by Candidate Cape Breton Centre By-election July 14, 2015

| Candidate | Registered Party | Votes Received |
| :--- | :---: | :---: |
| Edna LEE | PC | 644 |
| Tammy MARTIN | NSNDP | 2,538 |
| David WILTON | NSLP | 3,120 |

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### 5.2 Dartmouth South

On July 16, Peter Chaffey, returning officer for Dartmouth South completed the return of the writ declaring Marian Mancini (NSNDP) elected and transmitted it to the Chief Electoral Officer. A summary of valid votes received by candidate is shown in Table 6. The poll-by-poll results are shown in Appendix B.

## Table 4: Summary of Votes Received by Candidate Dartmouth South By-election July 14, 2015

| Candidate | Registered Party | Votes Received |
| :--- | :---: | :---: |
| Charlene M. GAGNON | Independent | 490 |
| Gord GAMBLE | PC | 1,501 |
| Marian MANCINI | NSNDP | 2,274 |
| Tim RISSESCO | NSLP | 2,186 |

### 5.3 Sydney-Whitney Pier

On July 16, David Muise, returning officer for Sydney-Whitney Pier completed the return of the writ declaring Derek Mombourquette (NSLP) elected and transmitted it to the Chief Electoral Officer. A summary of valid votes received by candidate is shown in Table 7. The poll-by-poll results are shown in Appendix B.

Table 5: Summary of Votes Received by Candidate Sydney-Whitney Pier By-election July 14, 2015

| Candidate | Registered Party | Votes Received |
| :--- | :---: | :---: |
| Madonna DOUCETTE | NSNDP | 2,332 |
| Brian MACARTHUR | PC | 1,609 |
| Derek MOMBOURQETTE | NSLP | 3,796 |

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### 5.4 Number of Seats in the House of Assembly Following the By-elections

At the conclusion of the by-elections the distribution of seats in the Nova Scotia House of Assembly was: 34 NSLP; 10 PC, 6 NSNDP; and one independent member.

## 6. Registered Parties' and Candidates' Expense Limits

The maximum amount for election expenses that a registered party could incur in each district as prescribed by subsection 259(2) and 260(3) of the Elections Act was $\$ 6,109.64$ for a total of $\$ 18,328.92$.

At the time of the by-election, there were four registered parties in Nova Scotia. At 2 pm on June 30 when the nomination of candidates concluded, three registered parties, the NSLP; PC, and the NSNDP, had endorsed candidates in each of the districts. There was one independent candidate at the close of nominations.

Section 260 of the Elections Act provides the formula for calculating the maximum amount that a candidate may incur for election expenses as defined in clause 3(i). Table 8 shows the calculation of the maximum amount a candidate could have incurred for election expenses in each of the by-elections.

Table 6: Candidate Election Expenses Spending Limit Cape Breton Centre, Dartmouth South, Sydney-Whitney Pier By-election July 14, 2015

| Electoral District | Total number <br> of Electors | $\$ 6.11 /$ Elector for <br> the first $\mathbf{5 , 0 0 0}$ <br> Electors | $\$ 5.19 /$ Elector for <br> $\mathbf{5 , 0 0 1}$ to $\mathbf{1 0 , 0 0 0}$ <br> Electors | $\$ 4.58 /$ Elector <br> oer 10,000 <br> Electors | Candidate Election <br> Expenses Spending <br> Limit |
| :--- | :---: | :---: | :---: | :---: | :---: |
| Cape Breton Centre | 13,389 | $30,531.13$ | $25,940.78$ | $15,520.50$ | $\mathbf{\$ 7 1 , 9 9 2 . 4 1}$ |
| Dartmouth South | 17,100 | $30,531.13$ | $25,940.78$ | $32,515.65$ | $\$ 88,987.57$ |
| Sydney-Whitney Pier | 18,310 | $30,531.13$ | $25,940.78$ | $38,057.05$ | $\mathbf{\$ 9 4 , 5 2 8 . 9 7}$ |

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## 7. Compliance agreements

On May 29, 2015, and pursuant to section 294 of the Act, the Chief Electoral Officer entered into a compliance agreement with Linda Tweedie, of Halifax, Nova Scotia, Executive Director of the Nova Scotia Liberal Caucus Office, and with Lloyd Hines, of Guysborough, Nova Scotia, Chair of the Nova Scotia Liberal Caucus. The signatories to the compliance agreement acknowledged that:

- On May 19, 2015, the Nova Scotia Liberal Caucus Office published an election advertising flyer which, on or about May 26, 2015 was distributed by Canada Post to approximately 33,000 households in the electoral districts of Dartmouth South, SydneyWhitney Pier and Cape Breton Centre, during an election, at a total cost of $\$ 7,100.74$. The Nova Scotia Liberal Caucus Office thus incurred election advertising expenses that exceed the limit placed on third-party advertising in a by-election under section 275(4) of the Act. In addition, the advertising piece was published in contravention of section 277 of the Act as it did not indicate that it was authorized by the Nova Scotia Liberal Caucus.
- The Nova Scotia Liberal Caucus Office's only source of funding is public funding from the Speaker's Office. Therefore, pursuant to section 272 of the Act, the Nova Scotia Liberal Caucus Office was in breach of the Act for election advertising using a means of transmission of the government of the Province.

The signatories accepted responsibility for these acts. Before entering into this compliance agreement, the Chief Electoral Officer took into account a number of considerations, including the fact that Nova Scotia Liberal Caucus Office promptly admitted the facts and took responsibility for the acts that led to the compliance agreement.

Under the compliance agreement, the Nova Scotia Liberal Caucus Office agreed to reimburse the election advertising expenses incurred from non-public funds.

On June 1, 2015, and pursuant to section 294 of the Act, the Chief Electoral Officer entered into a Compliance Agreement with Mat Whynott, of Halifax, Nova Scotia, Acting Chief of Staff of the Nova Scotia NDP Caucus Office, and with Sterling Belliveau, of Shelburne, Nova Scotia, Chair of the Nova Scotia NDP Caucus. The signatories to the Compliance Agreement acknowledged that:

- On April 14, 2015, the Nova Scotia NDP Caucus Office distributed brochures to 12,796 households in the electoral district of Dartmouth South, during an election, at a total cost of $\$ 2,162.52$. The Nova Scotia NDP Caucus Office thus incurred election advertising

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expenses that exceed the limit placed on third-party advertising in a by-election under section 275(4) of the Act. In addition, the advertising piece was published in contravention of section 277 of the Act as it did not indicate that it was authorized by the Nova Scotia NDP Caucus.

- The Nova Scotia NDP Caucus Office's only source of funding is public funding from the Speaker's Office. Therefore, pursuant to section 272 of the Act, the Nova Scotia NDP Caucus Office was in breach of the Act for election advertising using a means of transmission of the government of the Province.

The signatories accepted responsibility for these acts. Before entering into this Compliance Agreement, the Chief Electoral Officer took into account a number of considerations, including the fact that Nova Scotia NDP Caucus Office promptly admitted the facts and took responsibility for the acts that led to the compliance agreement.

Under the Compliance Agreement, the Nova Scotia NDP Caucus Office agreed to reimburse the election advertising expenses incurred from non-public funds.

## 8. CEO Recommendations

Based on the experience of the three by-elections held on July 14, 2015, the Chief Electoral Officer recommends several changes to the Elections Act and to the manner in which Elections Nova Scotia conducts elections and accounts for their results.

### 8.1 Refinement of the Accounting for Rejected Ballots

During the count after the close of polls on election day, any ballot that isn't marked for one of the registered candidates in an unambiguous way is rejected and placed in the rejected ballot envelope. Ballots in this category are reported in the count as "rejected".

In the Provincial General Election of 2013, the number of rejected ballots totaled 3,139 province-wide, an increase of $107 \%$ over the 2009 general election. This substantial increase caught our attention for two reasons: there was a negligible increase in the total number of votes cast province-wide so a doubling of the number of rejected ballots represented a significant variance from past experience; secondly, changes in the Elections Act had increased access to early voting opportunities (before advance voting begins). As a result, more voters were using the write-in ballot where the elector must write in the name of the party or candidate they wish to vote for. These ballots appear to be more prone to voter error than a ballot with the candidates' names and party affiliation pre-printed. Were our efforts to improve voter accessibility through early voting opportunities unwittingly the cause

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for the increase in rejected ballots? Or, was this increase a reflection of electors' voting intentions? We conducted an internal review of the rejected ballots cast in these three byelections to determine the probable cause of the increase.

The following are the results:

- Almost all of the ballots identified as "rejected" were appropriately rejected.
- The few that should have been attributed to a candidate (because the voters' intentions were clear) appeared to have been rejected because the DRO determined that extraneous marks on the ballot could have identified the elector. Planned improvements to our election officer training program and a move to have all ballot counting overseen by the supervising deputy returning officer should eliminate this minor error rate:
- Of those ballots appropriately rejected:
- few ballots (10\%) were rejected because of "voter error" and therefore, we conclude that our efforts to improve voter accessibility through increased early voting opportunities were not the root cause;
- most rejected ballots (69\%) appeared to be intentionally spoiled either with an X or a line drawn across the face of the ballot;
- a number of electors chose not mark their ballot. While the elector's intent is not known, we can differentiate blank ballots ( $21 \%$ of rejected ballots) from those that were marked in error or intentionally spoiled.

The table below illustrates our findings.
Table 7: Rejected Ballot Analysis By-election July 14, 2015

| Total rejected Ballots | Official Results | Total Rejected Ballots Restated |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  |  | Voter Error | Intentionally Spoiled | Blank |
| 05 - Cape Breton Centre | 39* | 6 | 20 | 12 |
|  |  |  | 38 |  |
| 19 - Dartmouth South | 35** | 3 | 26 | 4 |
|  |  |  | 33 |  |
| 45 - Sydney-Whitney Pier | 31* | 1 | 24 | 5 |
|  |  |  | 30 |  |

[^1]Cape Breton Centre, Dartmouth South, Sydney-Whitney Pier By-elections, July 14, 2015

Because rejected ballots are required to be included in the final count of the total votes cast, we believe it is important their reporting be filtered to accurately reflect the reasons the ballots were rejected. We acknowledge that this accounting is not relevant to, determining who won the election, nor is it relevant to the returning officer report of the Official Count. Therefore, we do not recommend spending time on election night or during the official count to differentiate among the rejected ballots.

## Recommendation

In future, during the period between the return of the writ of election and the tabling of the Statement of Votes and Statistics for the election, the Chief Electoral Officer will direct that a review be conducted of each rejected ballot and that each be categorized as marked in error, intentionally spoiled or blank, in the Statement of Votes and Statistics presented to the Members of the Assembly.

### 8.2 Piloting Technology in Election Day Polls

The Report on the Conduct of the October 8, 2013 Provincial General Election and Recommendations for Legislative Change Volume II, discussed the findings of an internal compliance audit which "uncovered significant gaps in correctly completing .... Statement of Poll and Elector Information Form (416)." A challenge of the results for the 2011 federal election in Etobicoke Centre because of similar compliance issues completing elector registration forms resulted in a decision to declare a controverted election. That decision was subsequently overturned on appeal by the Supreme Court.

Despite our efforts to improve poll official performance through focused training, reengineering of their tasks performed and rewritten manuals, an in-house review of these same forms revealed problems still exist with election day and advance poll paperwork. In future, after changes to the Elections Act that were legislated this year come into force, the incidence of these problems will be greatly reduced for most early voting opportunities, including advance polls, with the introduction of technology in every poll. Eighty-five percent of electors bring their Voter Information Card (VIC) to the poll. VICs will be scanned and electors names crossed off the list as voted electronically at the early voting opportunities. Those who don't have a VIC or need to be added to the list to vote or require a change in their address etc. will be registered using a computer based process rather than through a paper based process. In short, the error rate attributable to manual entry and incomplete or inaccurate elector information in mandatory fields should all but disappear.

However, problems of administrative non-compliance caused by human error may remain for the voters who vote on election day. Poll clerks and deputy returning officers will continue to cross off electors as voted on paper lists and fill in required elector registration forms

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manually. New Brunswick, an acknowledged leader in advancing electoral administration performance, experiences a negligible rate of noncompliance for these types of human error because they run fully automated provincial and municipal elections.

While it is inevitable that all electoral agencies will pursue a computer-based model in the polls over the next decade, there are three potential impediments to Nova Scotia following in New Brunswick's footsteps: timing, acceptance and cost. There remains too little time before the 40th general election for Nova Scotian stakeholders -- the voting public, the registered parties and the candidates -- to reach a level of acceptance of this advancement and for Elections Nova Scotia to fully implement a province-wide plan. Acceptance is best gained when stakeholders witness firsthand the merits of the proposed changes. And while cost will be a significant factor in the ultimate decision to fully implement a province wide plan, it cannot be accurately estimated without the benefit of a pilot project.

## Recommendation

Elections Nova Scotia will seek by resolution of the House of Assembly permission to pilot the use of technology for processing electors in election day polls during the 40th provincial general election in two electoral districts, one in urban Halifax and one in rural Nova Scotia. Paper ballots will be used and votes will be counted by hand in the traditional manner.

### 8.3 Commencement of By-elections

Currently, a by-election period commences with the vacancy in the House of Assembly, which could last up to a year before the by-election to fill the vacancy.

Nova Scotia is the only Canadian jurisdiction in which the election period begins with the vacancy rather than with the issuance of the writ of election. A significant consequence of this anomaly is that political party and government communication such as newsletters and householders distributed during the pre-writ period may be deemed political advertising and, if paid for from public funds, would contravene the Elections Act. Election advertising covers the transmission of any advertising message that promotes or opposes a party or candidate including one that takes a position on an issue that is associated with a party or candidate.

During the period of time between the start of the election and the issuance of the writ, election advertising rules apply. Consequently, any expenses incurred by registered candidates over this prolonged period are reimbursable up to their spending limit.

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## Recommendation

It is recommended that the start of a by-election be triggered by the issuance of the writ of election instead of with the date the vacancy is announced.

### 8.4 Length of Writ Period

While there is a minimum period for an election of 31 days, there is no maximum limit to the length of the writ period.

## Recommendation

It is recommended that the maximum writ period be limited legislatively. The longer election period the greater the cost to ENS to administer the election while the spending limits of candidates and political parties remain fixed. ENS is seeking the advice from the members of the Election Commission on the appropriate maximum length.

### 8.5 Signatures for a New Party Registration

An application to register a new political party must be accompanied by a petition signed by no fewer than twenty-five electors in each of ten different electoral districts, requesting registration of the political party.

Currently, a petition may be commenced and be presented at any time to Elections Nova Scotia which, with the passage of time, may no longer have the support of the signatories.

## Recommendation

It is proposed that the signatures on the petition must be gathered within 12 months of presenting the petition to the Chief Electoral Officer.

### 8.6 Return of Unused Tax Receipts

Currently, at the official agent of a candidate must return all unused tax receipts to the returning officer within 30 days of election day who then returns them to the CEO. Shortly after official addition, the returning officer closes the local returning office.

## Recommendation

It is recommended that the tax receipts be returned to the Chief Electoral Officer. As a practical matter, it is easier for the tax receipts to be returned to Elections Nova Scotia's headquarters directly than endeavor to return them to the returning officer once the local office has been closed.

Appendix A Election Calendar By-election July 14, 2015
By－Election Calendar

\begin{tabular}{|c|c|c|c|c|c|c|c|c|c|c|c|c|}
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Cape Breton Centre, Dartmouth South, Sydney-Whitney Pier By-elections, July 14, 2015

Appendix B Maps \& Poll-by-Poll Results By-elections July 14, 2015



## ELECTIONS NOVA SCOTIA



Statement of Votes and Statistics, Dartmouth South By-elections, July 14, 2015



| Poll | Polling Location | Electors on Final List* | Total Votes** | Turnout | $\begin{gathered} \hline \text { Edna Lee } \\ \text { PC } \end{gathered}$ | Tammy Martin NSNDP | David Wilton NSLP | Rejected Ballots |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 001 | Jesus Christ of Latter Day Saints, Grand Lake Road | 439 | 116 | 26.4\% | 12 | 31 | 73 | 0 |
| 002 | Jesus Christ of Latter Day Saints, Grand Lake Road | 312 | 118 | 37.8\% | 17 | 44 | 57 | 0 |
| 003 | Reserve Mines Seniors and Pensioners Club, Reserve Mines | 530 | 174 | 32.8\% | 36 | 53 | 84 | 1 |
| 004 | Reserve Mines Seniors and Pensioners Club, Reserve Mines | 306 | 77 | 25.2\% | 20 | 31 | 26 | 0 |
| 005 | Reserve Mines Seniors and Pensioners Club, Reserve Mines | 489 | 123 | 25.2\% | 17 | 45 | 61 | 0 |
| 006 | Royal Canadian Legion Branch 78, Dominion | 425 | 161 | 37.9\% | 21 | 77 | 62 | 1 |
| 007 | Dominion Volunteer Fire Department, Dominion | 449 | 182 | 40.5\% | 28 | 87 | 66 | 1 |
| 008 | Dominion Volunteer Fire Department, Dominion | 421 | 148 | 35.2\% | 19 | 70 | 56 | 3 |
| 009 | Dominion Volunteer Fire Department, Dominion | 394 | 160 | 40.6\% | 12 | 92 | 53 | 3 |
| 010 | Gardiner Mines Seniors \& Pensioners Club, Gardiner Mines | 495 | 202 | 40.8\% | 33 | 99 | 66 | 4 |
| 011 | Scotchtown Volunteer Fire Department, Scotchtown | 453 | 126 | 27.8\% | 11 | 39 | 76 | 0 |
| 012 | Scotchtown Volunteer Fire Department, Scotchtown | 386 | 149 | 38.6\% | 23 | 66 | 60 | 0 |
| 013 | Scotchtown Volunteer Fire Department, Scotchtown | 412 | 168 | 40.8\% | 25 | 74 | 67 | 2 |
| 014 | Lingan Heritage Society (St. Joseph's Parish Hall), Lingan | 359 | 186 | 51.8\% | 9 | 77 | 100 | 0 |
| 015 | Knights Of Columbus Hall, New Waterford | 449 | 144 | 32.1\% | 4 | 60 | 79 | 1 |
| 016 | Knights Of Columbus Hall, New Waterford | 389 | 133 | 34.2\% | 15 | 41 | 77 | 0 |
| 017 | Knights Of Columbus Hall, New Waterford | 565 | 181 | 32.0\% | 12 | 89 | 79 | 1 |
| 018 | Knights Of Columbus Hall, New Waterford | 341 | 99 | 29.0\% | 10 | 40 | 49 | 0 |
| 019 | Le Cercle Evangeline (The French Club), New Waterford | 420 | 130 | 31.0\% | 12 | 40 | 76 | 2 |
| 020 | Le Cercle Evangeline (The French Club), New Waterford | 263 | 97 | 36.9\% | 6 | 39 | 51 | 1 |
| 021 | New Waterford Volunteer Fire Department, New Waterford | 376 | 140 | 37.2\% | 3 | 51 | 86 | 0 |
| 022 | New Waterford Volunteer Fire Department, New Waterford | 336 | 123 | 36.6\% | 7 | 55 | 60 | 1 |
| 023 | New Waterford Volunteer Fire Department, New Waterford | 424 | 164 | 38.7\% | 11 | 83 | 70 | 0 |
| 024 | New Waterford Volunteer Fire Department, New Waterford | 401 | 143 | 35.7\% | 8 | 67 | 67 | 1 |
| 025 | Scotchtown Volunteer Fire Department, Scotchtown | 406 | 120 | 29.6\% | 7 | 55 | 57 | 1 |
| 026 | Scotchtown Volunteer Fire Department, Scotchtown | 367 | 159 | 43.3\% | 14 | 59 | 85 | 1 |
| 027 | Scotchtown Volunteer Fire Department, Scotchtown | 359 | 125 | 34.8\% | 21 | 46 | 57 | 1 |
| 028 | Parish of St. Leonard Hall (St. Agnes Hall), New Waterford | 316 | 94 | 29.7\% | 7 | 28 | 59 | 0 |
| 029 | Parish of St. Leonard Hall (St. Agnes Hall), New Waterford | 375 | 151 | 40.3\% | 10 | 81 | 60 | 0 |
| 030 | New Victoria Volunteer Fire Department, New Victoria | 410 | 157 | 38.3\% | 16 | 66 | 75 | 0 |
| 031 | New Victoria Volunteer Fire Department, New Victoria | 426 | 180 | 42.3\% | 10 | 54 | 116 | 0 |
| 032 | New Victoria Volunteer Fire Department, New Victoria | 237 | 95 | 40.1\% | 7 | 38 | 50 | 0 |
| 033 | South Bar Volunteer Fire Department, South Bar | 254 | 99 | 39.0\% | 11 | 33 | 54 | 1 |
| 034 | South Bar Volunteer Fire Department, South Bar | 304 | 98 | 32.2\% | 15 | 43 | 40 | 0 |
| 035,036 Mobile 1 | Maple Hill Manor, New Waterford/New Waterford Hospital Waterford Heights, New Waterford | 101 | 52 | 51.5\% | 12 | 19 | 20 | 1 |
| ADV1 | Carmel Centre, New Waterford |  | 974 |  | 81 | 353 | 533 | 7 |
| WI | Main RO-65 Main St, Reserve Mines |  | 224 |  | 24 | 90 | 106 | 4 |
| CP | Main RO-65 Main St, Reserve Mines |  | 369 |  | 38 | 123 | 207 | 1 |
|  |  | 13,389 | 6,341 | 47.4\% | 644 | 2,538 | 3,120 | 39 |
|  |  | \% of valid votes cast |  |  | 10.22\% | 40.27\% | 49.51\% |  |
|  |  | Elected: |  |  | David Wilton (NSLP) |  |  |  |

[^2]19 - Dartmouth South
POLL BY POLL RESULTS

| Poll | Polling Location | Electors on Final List* | $\begin{gathered} \text { Total } \\ \text { Votes** } \end{gathered}$ | Turnout | Charlene M. Gagnon Ind | $\begin{gathered} \hline \text { Gord Gamble } \\ \text { PC } \end{gathered}$ | Marian Mancini NSNDP | Tim Rissesco NSLP | Rejected Ballots |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 001 | Woodlawn Public Library, Dartmouth | 568 | 230 | 40.5\% | 9 | 94 | 34 | 92 | 1 |
| 002 | Woodlawn Public Library, Dartmouth | 370 | 129 | 34.9\% | 6 | 50 | 18 | 54 | 1 |
| 003 | Woodlawn Public Library, Dartmouth | 430 | 170 | 39.5\% | 2 | 61 | 27 | 80 | 0 |
| 004 | Grace Baptist Church, Dartmouth | 622 | 167 | 26.8\% | 7 | 65 | 27 | 68 | 0 |
| 005 | Grace Baptist Church, Dartmouth | 968 | 232 | 24.0\% | 5 | 83 | 49 | 93 | 2 |
| 006 | Shannex-Harris Hall, Dartmouth | 206 | 120 | 58.3\% | 2 | 35 | 27 | 55 | 1 |
| 007 | Grace Baptist Church, Dartmouth | 382 | 100 | 26.2\% | 4 | 38 | 13 | 44 | 1 |
| 008 | Saint Clements Catholic Church, Dartmouth | 255 | 56 | 22.0\% | 8 | 6 | 14 | 28 | 0 |
| 009 | Saint Clements Catholic Church, Dartmouth | 377 | 82 | 21.8\% | 7 | 6 | 37 | 31 | 1 |
| 010 | Saint Clements Catholic Church, Dartmouth | 370 | 86 | 23.2\% | 7 | 20 | 25 | 31 | 3 |
| 011 | Saint Clements Catholic Church, Dartmouth | 499 | 78 | 15.6\% | 11 | 22 | 26 | 17 | 2 |
| 012 | South End Baptist Church, Dartmouth | 307 | 65 | 21.2\% | 1 | 11 | 39 | 14 | 0 |
| 013 | North Woodside Community Centre, Dartmouth | 406 | 60 | 14.8\% | 8 | 18 | 25 | 9 | 0 |
| 014 | North Woodside Community Centre, Dartmouth | 304 | 82 | 27.0\% | 4 | 14 | 37 | 27 | 0 |
| 015 | North Woodside Community Centre, Dartmouth | 257 | 65 | 25.3\% | 16 | 12 | 30 | 7 | 0 |
| 016 | North Woodside Community Centre, Dartmouth | 326 | 78 | 23.9\% | 4 | 12 | 36 | 26 | 0 |
| 017 | South End Baptist Church, Dartmouth | 393 | 134 | 34.1\% | 6 | 12 | 50 | 64 | 2 |
| 018 | South End Baptist Church, Dartmouth | 306 | 71 | 23.2\% | 9 | 9 | 31 | 21 | 1 |
| 019 | South End Baptist Church, Dartmouth | 243 | 24 | 9.9\% | 3 | 8 | 12 | 1 | 0 |
| 020 | South End Baptist Church, Dartmouth | 400 | 144 | 36.0\% | 12 | 33 | 65 | 34 | 0 |
| 021 | Findlay Community Centre, Dartmouth | 513 | 173 | 33.7\% | 30 | 18 | 83 | 41 | 1 |
| 022 | South End Baptist Church, Dartmouth | 416 | 79 | 19.0\% | 3 | 17 | 28 | 31 | 0 |
| 023 | North Woodside Community Centre, Dartmouth | 374 | 68 | 18.2\% | 10 | 5 | 29 | 24 | 0 |
| 024 | South End Baptist Church, Dartmouth | 360 | 80 | 22.2\% | 9 | 12 | 31 | 27 | 1 |
| 025 | Findlay Community Centre, Dartmouth | 521 | 111 | 21.3\% | 22 | 14 | 47 | 28 | 0 |
| 026 | Suite 105, Anchorage Building, Dartmouth | 194 | 89 | 45.9\% | 5 | 45 | 17 | 22 | 0 |
| 027 | Findlay Community Centre, Dartmouth | 508 | 112 | 22.0\% | 25 | 13 | 44 | 30 | 0 |
| 028 | Findlay Community Centre, Dartmouth | 504 | 141 | 28.0\% | 17 | 32 | 46 | 46 | 0 |
| 029 | Findlay Community Centre, Dartmouth | 427 | 152 | 35.6\% | 15 | 11 | 93 | 32 | 1 |
| 030 | Findlay Community Centre, Dartmouth | 450 | 160 | 35.6\% | 8 | 18 | 80 | 54 | 0 |
| 031 | Findlay Community Centre, Dartmouth | 323 | 111 | 34.4\% | 15 | 0 | 59 | 36 | 1 |
| 032 | Findlay Community Centre, Dartmouth | 232 | 107 | 46.1\% | 12 | 25 | 45 | 24 | 1 |
| 033 | Findlay Community Centre, Dartmouth | 358 | 125 | 34.9\% | 15 | 12 | 64 | 32 | 2 |
| 034 | South End Baptist Church, Dartmouth | 357 | 51 | 14.3\% | 5 | 9 | 26 | 10 | 1 |
| 035 | Findlay Community Centre, Dartmouth | 358 | 146 | 40.8\% | 17 | 31 | 60 | 38 | 0 |
| 036 | Findlay Community Centre, Dartmouth | 264 | 110 | 41.7\% | 8 | 26 | 43 | 33 | 0 |
| 037 | Saint Clements Catholic Church, Dartmouth | 446 | 169 | 37.9\% | 13 | 62 | 44 | 50 | 0 |
| 038 | Saint Clements Catholic Church, Dartmouth | 435 | 143 | 32.9\% | 6 | 24 | 39 | 72 | 2 |
| 039 | Findlay Community Centre, Dartmouth | 454 | 142 | 31.3\% | 11 | 34 | 57 | 39 | 1 |
| 040 | Saint Clements Catholic Church, Dartmouth | 498 | 107 | 21.5\% | 9 | 13 | 40 | 45 | 0 |
| 041 | Findlay Community Centre, Dartmouth | 504 | 96 | 19.0\% | 7 | 19 | 28 | 41 | 1 |
| 042,043 <br> Mobile 1 | Shannex-Glasgow Hall, Dartmouth/Oakwood Terrace, Dartmouth | 183 | 37 | 20.2\% | 1 | 14 | 9 | 12 | 1 |
| 044,045 Mobile 2 | Edgemere Seniors Apartments, Dartmouth/Eastwood Manor, Dartmouth | 203 | 121 | 59.6\% | 2 | 33 | 53 | 33 | 0 |
| 046,047 <br> Mobile 3 | Nantucket Place, Dartmouth/Alderney Manor, Dartmouth | 229 | 123 | 53.7\% | 3 | 33 | 43 | 43 | 1 |
| ADV1 | South End Baptist Church, Dartmouth |  | 638 |  | 44 | 163 | 211 | 219 | 1 |
| WI | Main RO-205 Pleasant St, Dartmouth |  | 46 |  | 1 | 15 | 18 | 12 | 0 |
| CP | Main RO-205 Pleasant St, Dartmouth |  | 876 |  | 46 | 194 | 315 | 316 | 5 |
|  | Total | 17,100 | 6,486 | 37.9\% | 490 | 1,501 | 2,274 | 2,186 | 35 |
| $\%$ of valid votes cast |  |  |  |  | 7.60\% | 23.27\% | 35.25\% | 33.89\% |  |
| Elected: |  |  |  |  | Marian Mancini (NSNDP) |  |  |  |  |

* Includes electors added and revised on the official list on election day



## Appendix C By-elections Brochure July 14, 2015



## WHERE DO IVOTE

Most voters will vote on election day, on Tuesday, (date) from 8 am to 8 pm . There are three ways to find out where your polling station is: check the Voter Information Card (VIC) ill ustration) in the Where Do I Vote? application on Elections Nova Scotia's website, or phone Elections Nova Scotia.
Polling locations will have level access for wheelchairs, and tools and services to assist those who have vision or hearing
difficulties. If you have a disability and need assistance in voting, check with your returning office ahead of time to make arrangements. In the rare event that your assigned polling
location does not have the facilities you need, they will transfer you to one that does.

## ADVANCE POLLS

For those who wish to vote early, Elections Nova Scotia sets
aside seven days of advance polls. The advance polls are open on Saturday, (date and time),
Monday, (date) to Wednesday (date and time), Thursday (date and
Friday (date and time) and
To find out where your advance poll is in your electoral district, check the Voter Information Card you receive in the mail or visit
the Elections Nova Scotia website or contact us by phone.

## VOTING AT THE RETURNING OFFICE

You can vote at the returning office in your electoral district
from 9 am to 6 pm every day except Sundays up to and including the Thursday before election day.

## HOME OR HOSPITAL

[^3]electionsnovascotia.ns.ca

902-424-8584
1-800-565-1504 Toll-free in Nova Scotia
902-424-7475 TTY for the hearing impaired


[^0]:    ${ }^{1}$ The final list of electors includes electors added on election day
    ${ }^{2}$ R.S.N.S. 1989, c. 1 (1992 Supplement)

[^1]:    * In each case there were ballots counted as rejected that should have been placed in the cancelled ballot envelope
    **In addition to the problem identified in * a second poll counted 3 rejected ballots but only 2 were in the envelope

[^2]:    * Includes electors added and revised on the official list on election day

[^3]:    If you cannot get to your polling station or your returning office you may vote by write-in ballot by obtaining and completing an application. Once your application is approved, you will be given a write-in ballot. Call your returning office or Elections or a write-in ballot, there are two options open to you: ask a neighbour, family member, care giver or friend to act as your

