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Item No. 14.1.2
Halifax Regional Council
April 12, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: March 21, 2016

SUBJECT: Alternative Voting Dates & Returning Officer Appointment – 2016 Municipal and School Board Elections

ORIGIN

Halifax Regional Council is required by resolution to address administrative matters under the *Municipal Elections Act* in order to conduct any election, including setting dates for alternative voting, and to appoint a new Returning Officer for the 2016 Municipal and School Board Elections.

On December 1, 2015, after deferring items 1 and 2 of the motion, Regional Council passed the following motion:

The question was called on parts 3, 4 and 5 of the motion as follows:

THAT Halifax Regional Council:

3. Direct the use of the provincial electors' list for the purpose of conducting the 2016 municipal and school board elections with the Halifax Regional Municipality, effective January 2, 2016.
4. Appoint the proponent, as outlined in the private and confidential staff report dated November 16, 2015, as Returning Officer for the 2016 Municipal and School Board Elections in the Halifax Regional Municipality effective January 2, 2016.
5. Delegate duties and responsibilities as provided for under the Municipal Elections Act as follows:
 - a. To the Returning Officer: Set the date for the second day of advanced polls.
 - b. To the Municipal Clerk: Appoint Assistant Returning Officer(s) as required.
 - c. To the Municipal Clerk: Make, revise and amend the tariff of fees and expenses and provide for the method of rendering and verifying accounts for payment.

MOTION PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Municipal Elections Act, R.S.N.S. 1989, c. 300 (“*MEA*”), section 114 establishing the dates for advanced polls and section 146A allows Council to enact a by-law for alternative voting.

By-law A-400, the Alternative Voting By-law.

MEA, subsection 4(1) “The council shall appoint a returning officer, who may be the clerk, another municipal employee or another person who is not a municipal employee, to conduct all regular and special elections required under this Act.”

Administrative Order One, the *Procedures of the Council Administrative Order*, sections 62 and 63 respecting motions of rescission.

RECOMMENDATIONS

It is recommended that Halifax Regional Council:

1. Set the dates for alternative voting to commence on Tuesday, October 4, 2016 at 8:00am and run continuously through to Thursday, October 13, 2016 at 7:00 pm;
2. Rescind item 4 of the motion of the December 1, 2015, which appointed the Returning Officer for the 2016 Municipal and School Board Elections in the Halifax Regional Municipality, effective January 2, 2016; and
3. Appoint Kevin Arjoon, Municipal Clerk, as the Returning Officer to conduct the 2016 Municipal and School Board Elections in the Halifax Regional Municipality, effective immediately.

BACKGROUND

Alternative Voting

Alternative voting has been used as a voting method for Municipal Elections in the Halifax Regional Municipality since 2008 and allows for voting by telephone or internet. The two most recent elections highlight the preference of the electorate to exercise their voting rights using methods and dates they consider convenient:

- 2012 Municipal and School Board Elections - 60.18% (66,272) of electors voted electronically during 12 days of alternative voting;
- 2016 Special Election Councillor - 61.75% (2,020) of electors voted electronically during 5 days of alternative voting.

Returning Officer

The *MEA* stipulates that Regional Council is responsible for the appointment of the Returning Officer. In accordance with the *MEA*, the Returning Officer is responsible for all matters related to the conduct of the election including voting procedures, division and location of polls, and any other matters that ensures voting is conducted and reported in a fair and accurate manner and in compliance with the legislation.

Section 114 of the *Municipal Elections Act* provides that the two advance polls shall be held on: Tuesday, the 4th day before ordinary polling day; and, one other day that is either Thursday, the 9th day before ordinary polling day or Saturday, the 7th day before ordinary polling day. Subsection 114(4A) of the *MEA* allows Council to delegate the authority to set the second day for advance polls to the Returning Officer and on December 1, 2015, Council so delegated. Thus, the advanced in person polls will be held as follows:

- Saturday, October 8, 2016 (as designated by the Returning Officer); and
- Tuesday, October 11, 2016 (as designated by the MEA).

On December 1, 2015 Regional Council appointed the proponent as outlined in the private and confidential staff report dated November 16, 2015, as the Returning Officer. This individual is no longer with the Municipality.

DISCUSSION

This report is before Regional Council to comply with the legislative requirements of the *Municipal Elections Act* with regard to Municipal Elections. Various administrative duties as outlined in legislation, as well as the method of voting were approved by Council on December 1, 2015 and April 5, 2016.

Alternative Voting

Regional Council has passed By-law A-400 to permit internet and telephone voting. Specifically, clause 2(c) of the By-law states: (c) ““alternative polling days” means any hours and dates fixed by a resolution of Council for alternative voting”. On April 5, 2016 Regional Council decided to allow internet and telephone voting for the 2016 election. Accordingly, Council needs to set the dates and time for such voting.

It is recommended that Council set the internet and telephone voting to run continuously from Tuesday, October 4, 2016 at 8:00am and be kept open until Thursday, October 13, 2016 at 7:00pm. Paper ballots will be the only voting method offered on Election Day, which is Saturday October 15th, 2016.

The proposed date range for alternative voting is shorter than offered in 2012 by three days. As Election Day is fixed by the *Municipal Elections Act* to be the third Saturday in October and the 1st Saturday in October, 2016 is the first day of the month, there is a loss of one less week between nomination day and polling day. Thus, the 2016 alternative voting period has been shortened to align it with the legislation while providing electors with the maximum reasonable opportunity to cast their ballots by internet or telephone voting.

Returning Officer

Section 4 of the *MEA* requires that Council appoint a Returning Officer to conduct regular elections. The same section provides that the Returning Officer may be the Municipal Clerk, another municipal employee or another person who is not a municipal employee. The position of Returning Officer has been vacant since April 4, 2016 necessitating a new appointment by Council.

As Regional Council had previously appointed an individual as the Returning Officer on December 1, 2015, this appointment needs to be rescinded so a new appointment may be made. In accordance with *Administrative Order One*, notice of recession is required and a two-third vote is required to pass a motion of rescission. Notice of rescission was given by Deputy Mayor Whitman at the April 5, 2016 meeting of Regional Council. Staff is recommending that Kevin Arjoon, Municipal Clerk, be appointed the Returning Officer for the 2016 Municipal and School Board Elections in the Halifax Regional Municipality.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations.

COMMUNITY ENGAGEMENT

The municipality completed a citizen engagement initiative in 2015 with respect to elections. Where possible, input from the public will be referenced and incorporated in the planning process.

ALTERNATIVES

Council may set the internet and telephone voting to run continuously from:

1. Thursday, October 6, 2016 at 8:00am and be kept open until Thursday, October 13, 2016 at 7:00pm.
2. Saturday, October 8, 2016 at 8:00am and be kept open until Thursday, October 13, 2016 at 7:00pm.

These are not recommended as they reduce voting flexibility for electors.

ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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