

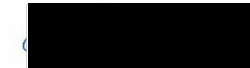
HALIFAX

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Item No. 13.1.1
Executive Standing Committee
November 27, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:



Cathie O'Toole, Chief Administrative Officer

DATE: November 10, 2023

SUBJECT: 2024 Halifax Regional Municipality and CSAP Regular Election:
Appointment of Returning Officer, Delegation of authorities, and use of Provincial
List of Electors

ORIGIN

This report originates with staff. The Election Office has commenced planning for the 2020 Municipal and CSAP Election (Election). Council direction on the following is required to proceed with planning:

- Appointment of the Returning Officer;
- Delegation by Council of the authority to:
appoint Assistant Returning Officer to the Clerk;
 - make, revise, and amend the tariff of fees and expenses to the Clerk; and
 - set the first advance polls to the Returning Officer; and
- Direct the use of the List of Electors from Elections Nova Scotia rather than enumerate.

LEGISLATIVE AUTHORITY

Municipal Elections Act (Act), sections 4, and 114, clause 30(1)(b), and subsections 114 (4),(4A), and 139(1)(1A), as follows:

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.

(1A) The council may appoint one or more assistant returning officers who shall assist the returning officer in carrying out the returning officer's duties and who shall act in the place and in the stead of the returning officer when the returning officer is absent or at the request of the returning officer.

Recommendations on page 2.

(1B) The council shall appoint the returning officer for a regular election on or before the fifteenth day of March of the regular election year.

1(C) The council may delegate its powers of appointment pursuant to this Section to the clerk or chief administrative officer.

30 (1) By the fifteenth day of April in a regular election year, the council may, by resolution, provide that the returning officer

...

(b) use the list of electors used in the most recent federal or provincial election, or in an election held pursuant to this Act;

...

as the basis for the preliminary list of electors for all or part of the municipality.

114 (4) An advance poll shall be held on

(a) Tuesday, the fourth day before ordinary polling day; and

(b) one other day fixed by council, by resolution, which shall be either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day.

4.(A) Council may delegate its authority to fix a day pursuant to clause (4)(b) to the returning officer.

139 (1) The council shall, by resolution, make a tariff of fees and expenses to be paid to any person for his services and expenses under this Act and may similarly revise and amend the tariff and provide for a method of rendering and verifying accounts for payment.

(1A) The council may delegate its authority to make, revise and amend the tariff of fees and expenses and provide for a method of rendering and verifying accounts for payment pursuant to subsection (1) to the clerk or chief administrative officer.

RECOMMENDATION

It is recommended that the Executive Standing Committee recommend that Halifax Regional Council:

1. Appoint Iain MacLean as the Returning Officer to conduct all regular and special elections required under the *Municipal Elections Act*, including both municipal and CSAP elections;
2. For the 2024 Halifax Regional Municipality and CSAP Elections, in accordance with the *Municipal Elections Act*, delegate the following authorities:
 - (a) to the Clerk, the authority to appoint one or more Assistant Returning Officers;
 - (b) to the Clerk, the authority to make, revise, and amend the tariff of fees and expenses; and
 - (c) to the Returning Officer, the authority to set the first advance polling date; and
3. Direct that the provincial list of electors be used in conducting the 2024 Halifax Regional Municipality and CSAP Elections.

BACKGROUND

Appointment of Returning Officer

The *Act* requires Regional Council to appoint a Returning Officer. The Returning Officer is responsible for all matters related to the conduct of the Halifax Regional Municipality and CSAP Election (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.

Delegations

The *Act* was amended in 2011, SNS. C.68 to allow Council to delegate administrative matters related to the Election. The delegations grant the authority to appoint assistant returning officers to the Clerk, the authority to set and amend the tariff of fees and expenses to the Clerk, and the authority to set the first advance poll to the Returning Officer. These matters have been delegated by Council to the Clerk and Returning Officer since 2011.

Use of the Provincial List of Electors

Subsection 30(1) of the *Act* requires, by April 15, 2024, Regional Council to decide to either use the provincial list of electors for the Election, or undertake an enumeration. The preliminary list of electors is provided by Elections Nova Scotia and is the starting point for the list of electors who may vote in the Election. Once the preliminary list of electors is received, it is then amended and revised throughout the election period.

DISCUSSION

This report is before Council to comply with the legislative requirements of the *Act* regarding the Election, and to seek Council direction on matters respecting the Election.

Appointment of Returning Officer

Section 4 of the *Act* requires Council appoint a Returning Officer to conduct the Election by March 15, 2024. The Returning Officer may be the Clerk, another municipal employee, or another person who is not a municipal employee. Staff is recommending that Iain MacLean, Municipal Clerk, be appointed as the Returning Officer to conduct all regular and special elections required under the *Act* until the appointment is revoked.

List of Electors

The *Act* provides two options for using elector data:

- that HRM conduct an enumeration; or
- that HRM use of the provincial list of electors from Elections Nova Scotia.

Council has decided to use the provincial list of electors for every election since amalgamation and staff is recommending continuing this practice. The information is provided by Elections Nova Scotia. Before the data can be provided by Elections Nova Scotia, the *Act* requires a data sharing agreement be signed with Elections Nova Scotia and Council. If Council directs the use of the preliminary list of electors, staff will bring forward the draft agreement with Elections Nova Scotia to Council for approval.

Delegation - Assistant Returning Officer

The *Act* allows Council to appoint one or more Assistant Returning Officers. An Assistant Returning Officer

assists the Returning Officer in carrying out their duties and acts in the place of the Returning Officer when the Returning Officer is absent or at their request. Since 2011, the *Act* has allowed Council the option to delegate its authority to appoint one or more Assistant Returning Officers to the Clerk, and Council has done so.

Delegation – Tariff of Fees

The *Act* requires a tariff of fees be set. The tariff sets the amounts that are paid for various positions, such as a deputy returning officer, and a poll clerk. Since 2011, the *Act* allows Council the option to delegate its authority to make and amend the tariff of fees to the Clerk, and Council has done so. Staff are currently reviewing the 2020 Tarriff of Fees and Expenses in relation to changes in Consumer Price Index and will return to Executive Standing Committee in early 2024 with an updated Tarriff of Fees.

Delegation - Advance Polling Date

Section 114 of the *Act* requires two days for advance polls. The *Act* specifies that the advance polls must be held on:

- either Thursday October 10, 2024, or Saturday, October 12, 2024 (date to be set by Council or, if delegated, the Returning Officer); and
- Tuesday, October 15, 2024 (set by the *Act*).

Since 2011, the *Act* has allowed Council the option to delegate the authority to set the first advance poll to the Returning Officer and Council has done so.

Delegation Recommendation

Since 2011, the *Act* provides Council the options to delegate the authority to appoint one or more Assistant Returning Officers, to set and revise the tariff of fees, and to set the date of the first advance poll. Council has exercised these options since that time. Staff is recommending Council continue this practice for this Election.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations in this report.

RISK CONSIDERATION

The 2024 Election is legislatively required.

COMMUNITY ENGAGEMENT

The Municipality completed a robust citizen engagement initiative during the 2020 regular election. Public Engagement Activities for 2024 have already commenced and a robust communications strategy has been developed in collaboration with HRM Corporate Communications and the Office of Diversity and Inclusion. Where possible, input from the public will be referenced and incorporated in the planning process for 2024.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

These recommendations are per the *Act* and therefore there are few alternatives.

1. Council may decide to complete enumeration instead of using the elector data from Elections Nova Scotia, but that would not be recommended due to time and costs associated with completing enumeration.
2. Council could appoint Iain MacLean as the Returning Officer for only the 2024 Halifax Regional Municipality and CSAP Election.
3. Council could refuse to delegate the power to the first day for the advance polls, the power to appoint the assistant returning officers, the tariff of fees, or a combination of them. Council would then need to make these decisions.

ATTACHMENTS

None

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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