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Item No. 11.1.7
Halifax Regional Council
May 24, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

John Traves, Q.C. Acting Chief Administrative Officer

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Bruce Zvaniga Acting Deputy Chief Administrative Officer

DATE: May 9, 2016

SUBJECT: Municipal and School Board Elections – Data Sharing Agreement with Elections
Nova Scotia

ORIGIN

Halifax Regional Council is required, by resolution or delegation of authority, to address a number of administrative matters under the *Municipal Elections Act* (“MEA”) in order to conduct the 2016 Municipal and School Board Elections (“2016 Election”) including direction to the Returning Officer regarding the use of the electors list.

On December 1, 2015 Council authorized the election office to use the permanent list of electors supplied by Elections Nova Scotia (ENS) by passing the following part of the motion:

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.

LEGISLATIVE AUTHORITY

MEA, subsection 30(1)

By the fifteenth day of April in a regular election year, the council may, by resolution, provide that the returning officer(c) use any permanent register of electors established and maintained for use in a federal or provincial election as the basis for the preliminary list of electors for all or part of the municipality.

MEA, subsection 30B(4)

The Chief Electoral Officer for the Province shall not provide a list of electors or permanent register of electors to a returning officer until the council of the municipality or the school board, as the case may be, has entered into an agreement with the Chief Electoral Officer for the

Province that protects the privacy and security of the information supplied and any required fee has been paid to the Chief Electoral Officer for the Province.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. approve the Information Sharing Agreement with Election Nova Scotia, as set out in Attachment 1 of this report, and authorize and direct the Mayor and Municipal Clerk to execute the Agreement on behalf of the Municipality; and
2. authorize the Municipal Clerk to enter into and execute Information to Use Agreements on behalf of the Municipality in a form substantially similar to Attachment 2 of this report.

BACKGROUND

The MEA requires the municipalities to enter into a Data Sharing Agreement with the Chief Electoral Officer of Nova Scotia which provides the mechanism for requesting data for election use for the 2016 Election. Supplemental agreements between the Municipality and election vendors with access to elector data are required to fulfill requirements contained within the Data Sharing Agreement with Elections Nova Scotia.

DISCUSSION

On December 1, 2015 Council satisfied the requirement of subsection 30(1) of the MEA by authorizing the election office of the Municipality to use the permanent list of electors supplied by Elections Nova Scotia (ENS) for the 2016 Election. This preliminary elector list will be used for the revisions period through to post election activities and then returned to the Chief Electoral Officer of Nova Scotia for use in other elections.

The next step, as per subsection 30B (4) of the MEA, is the routine matter of entering into an agreement between the Municipality and Elections Nova Scotia. This agreement must be in place prior to the delivery by the Province of the permanent list for use by the Municipality for the 2016 Election. Staff are bringing this matter forward to Regional Council at this time as there are a number of technical and administrative tasks that are required to be completed before the revision period begins on August 2, 2016 and the list of electors is required to complete these tasks. The draft Data Sharing Agreement is attached for Council's consideration and, once executed, will allow the Province to provide the Municipality with the permanent list of electors.

As part of the Data Sharing Agreement all election vendors (including sub-contractors) of the Municipality who will have access to elector data will be required to sign an Agreement to Use Information and follow the stipulations in the Data Sharing Agreement regarding the purging of elector data post-election. Accordingly, a template Agreement to Use Information is attached as Attachment 2. If Council approves the Data Use Agreement, staff are recommending that the Municipal Clerk be authorized to execute the Agreements to Use Information on behalf of the Municipality in a form substantially similar to the template.

FINANCIAL IMPLICATIONS

There is no charge to the municipality on behalf of ENS for the use of the list of electors for the upcoming election.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risks considered rate low.

COMMUNITY ENGAGEMENT

The municipality completed a citizen engagement initiative with respect to elections. Where possible, input from the public will be referenced and incorporated in the 2016 planning process.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this recommendation.

ALTERNATIVES

There are no alternatives offered.

ATTACHMENTS

1. Data Sharing Agreement Elections Nova Scotia and Halifax Regional Municipality
2. Information to Use Agreement

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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