



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 14.1.7**  
**Halifax Regional Council**  
**June 14, 2016**  
**July 19, 2016**

**TO:** Mayor Savage and Members of Halifax Regional Council  
Original Signed by 

**SUBMITTED BY:** \_\_\_\_\_  
John Traves, Acting Chief Administrative Officer  
Original Signed by \_\_\_\_\_  
Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** May 25, 2016

**SUBJECT:** By-Law A-404 – Amendments to the *Alternative Voting By-Law*

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### **ORIGIN**

This report originates from staff as a result of amendments to the *Municipal Elections Act*. These amendments, in turn, require the *Alternative Voting By-law* be amended in advance of 2016 Municipal and School Board Elections.

### **LEGISLATIVE AUTHORITY**

*Municipal Elections Act*, subsections 146A (1), (2) & (3) as follows:

146A (1) A council may by by-law authorize voters to vote by mail, electronically or by another voting method.

(2) The by-law referred to in subsection (1) shall provide for the system of voting for any election that occurs after the date stated in the by-law or the date the by-law takes effect, including

- (a) the notification of electors;
- (b) the form of the ballots where applicable;
- (c) the swearing in and voting on election day;
- (d) the method of counting the ballots or votes; and
- (e) the rejection of ballots or votes.

(3) The by-law may provide for

- (a) the contents of voters kits;
- (b) the places where voting can occur or ballots can be delivered instead of mailing, if applicable;
- (c) the process for sorting, storing or cataloguing any ballots received;
- (ca) voting by telephone, via the Internet or by any other electronic means, including a combination of different electronic means;
- (cb) the method of recounting the ballots or votes;
- (cc) additional hours and dates for voting at an advance poll, including permitting voting twenty-four hours per day over a period of days;
- (cd) the appointment and duties of an auditor to audit and monitor the performance of the system of voting;
- (d) any matter or thing necessary to effectively conduct the election, including matters or things under Sections 75, 76, 77, 78, 79 and 86.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council adopt By-law A-404, further amending By-law A-400, the *Alternative Voting By-law*, as set out in Attachment 2 of this report.

## **BACKGROUND**

On June 17, 2008, Regional Council adopted By-law A-400, the *Alternative Voting By-law* (“By-law”). This By-law allows Regional Council to set, by resolution, the hours and dates for voting by telephone or internet for municipal and school board elections. The By-law has been amended by Council from time to time to reflect the process by which internet and telephone voting (“alternative voting”) has been provided for specific elections and to reflect changes in the *Municipal Elections Act*.

On April 5, 2016, Regional Council approved using alternative voting as one of the methods of voting for the 2016 Municipal and School Board Election. Regional Council set the time for alternative voting to begin on Tuesday, October 4, 2016 at 8:00 am and run continuously through to Thursday, October 13, 2016 at 7:00 pm.

On December 18, 2015 the House of Assembly passed Bill 139, *Municipal Elections Act (Amended)*. This Bill came into force on April 15, 2015 and made a number of changes to the *Municipal Elections Act* which affect the By-law, including allowing the By-law to include auditor provisions, creating two new forms of the list of electors, repealing Certificates of Eligibility, and providing that a person is ordinary resident for the purposes of voting if he or she resides in the Municipality within 6 months of the first advance poll.

## **DISCUSSION**

### **Auditor**

Bill 139 allows the By-law to include Auditor provisions. To date, the By-law only requires an Auditor, as one of the System Elections Officers, to maintain and aid in maintaining the secrecy of the voting. The remainder of the auditor provisions have been included in the procedures and forms the Returning Officer is required to issue sixty days before ordinary polling day (by Tuesday August 16, 2016). Staff is recommending that the By-law be amended to require that the Auditor comply with the procedures and forms issued by the Returning Officer. As well, staff is recommending that the By-law be amended to require that the Auditor verify that the counts for all the candidates in the voting system is set at zero before alternative voting starts and, if the counts are not at zero, that voting be delayed until the counts are set to zero. This will aid in protecting the accuracy of the election results.

### **List of Electors**

Bill 139 creates two new forms of the List of Electors, being the Amended List of Electors, and the Revised List of Electors. The Amended List of Electors is the list of electors with all the revisions made to the Preliminary List of Electors until the Revised List of Electors is completed and certified by the Returning Officer. Three days prior to the first advance poll, (October 5, 2016 for the 2016 election) the Amended List of Electors and all revisions to it, will be certified by the Returning Officer. Once it is completed and certified, the Amended List of Electors becomes the Revised List of Electors. The Final List of Electors now consists of the Revised List of Electors together with all revisions to it. The Final List of Electors is now required to be created by the Returning Officer and must be provided to the Chief Elector Officer within 60 days of ordinary polling day (by Wednesday December 14, 2016). The Final List of Electors is no longer the list of electors used at the polling stations.

The By-law needs to be amended to include the new Amended List of Electors and the new Revised List of Electors. Staff is recommending that the By-law be amended to remove the definition of “Final List of Electors” as it will no longer be created until after the election is completed and replace it with the term “list of electors”. The term “list of electors” is defined to be the Preliminary List of Electors until the Revised List of Electors is created, or after the Revised List of Electors is created, to be the Revised List of Electors. Either of these two lists of electors could be applicable depending on when Council sets the time

for alternative voting. For the 2016 election, both these list are applicable. When alternative voting commences on October 4, 2016, the Amended List of Electors will be the applicable list of electors. On October 5, 2016 until the end of voting on Election Day October 15, 2016, the Revised List of Electors will be the applicable list of electors. There are corresponding amendments throughout the By-law replacing the term “Final List if Electors” with “applicable list of electors”.

### **Certificate of Eligibility and Procedures and Forms**

Bill 139 repeals Certificates of Eligibility as a means of being added to the List of Electors in favour of the general power under subsection 36(1) of the *Municipal Elections Act*. Under this subsection, a person may apply to be added to the list of electors by telephone, in writing or in person. Bill 139 also changed when a person must be ordinarily resident in the municipality for the purposes of voting. The Bill changed the time period from three months immediately preceding ordinary polling day to six months before the first advance polling day.

Normally, the repeal of the Certificate of Eligibility and when a person is ordinary resident would require amending the forms to the By-law to reflect these changes. However, staff is recommending that all the forms to the By-law be repealed as the *Municipal Election Act* already requires that Returning Officer to issues forms for the election within 60 days before ordinary polling day. By repealing the forms from the By-law, the Returning Officer could revise them for each election allowing the forms to remain current. This requires consequential amendments to remove the language in the By-law referring to the form “attached to the By-law” and adding language to the form specified “in the procedures and forms”.

### **Housekeeping Amendments**

There are two housekeeping amendments staff have identified. Staff is recommending that:

- in section 2, the colon be replaced by a comma for consistency with other by-laws, and
- in section 20, the titles “election officer” and “system election officer” be capitalized for consistency with the remainder of the By-law.

### **FINANCIAL IMPLICATIONS**

There are no budget implications associated with this report.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this Report as these amendments will align the By-law with the changes to the *Municipal Elections Act*. The risks considered rate Low.

### **COMMUNITY ENGAGEMENT**

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

### **ALTERNATIVES**

Regional Council could refuse to enact By-law 404. This is not recommended by staff as the By-law would not be in alignment with the amended Municipal Elections Act of Nova Scotia.

**ATTACHMENTS**

- Attachment 1 Showing Proposed Changes to Alternative Voting By-Law
  - Attachment 2 Amending By-law
  - Attachment 3 Clean copy incorporating changes
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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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Report Approved by: \_\_\_\_\_  
Martin Ward, Q.C., Acting Director of Legal Services

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**Attachment 1  
(Showing Proposed Changes)**

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER A - 400 RESPECTING  
ALTERNATIVE VOTING**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality, under the authority of Section 146A of the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended, as follows:

**Short Title**

1. This By-law shall be known as By-law Number A - 400 and may be cited as the "Alternative Voting By-law".

**Interpretation**

2. In this by-law:

- (a) "Act" means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
- (b) "advance poll" means the Tuesday immediately preceding ordinary polling day; and either
  - (i) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day; or
  - (ii) if Council has delegated its authority to fix a day to the Returning Officer, one other day fixed by the Returning Officer that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day;
- (c) "alternative polling days" means any hours and dates fixed by a resolution of Council for alternative voting;
- (d) "alternative voting" means voting by telephone or via the internet and includes a combination of telephone and internet voting;
- (e) "ballot box" means a computer database in the system where cast internet ballots and telephone ballots are put;
- (f) "candidate" means a person who has been nominated as a candidate pursuant to the Act;
- (g) "Council" means the Council of the municipality;
- (ga) "Deputy Returning Officer" means a person appointed under the Act to preside over a polling station;
- (h) "Education Act" means the *Education Act*, 1995-1996 S.N.S. c. 1, as amended;

(i) “election” means an election held pursuant to the Act, including a school board election, a special election and a plebiscite;

(j) “Election Officer” means an election official under the Act;

(k) “elector” means a person:

(i) qualified to vote pursuant to the Act and the Education Act; and

(ii) entitled to vote for an election pursuant to section 7 of this by-law;

(l) **“final list of electors” means the final list of electors completed pursuant to section 40 of the Act; repeal;**

(m) “friend voter” means a friend who votes for an elector pursuant to section 9 of this by-law;

(n) “internet ballot” means an image of a ballot on a computer screen including all the choices available to an elector and the spaces in which an elector marks a vote;

(na) **“list of electors” means:**

(i) prior to the list of electors being completed and certified pursuant to section 50A of the Act pursuant to section 50A of the Act, the list of electors that has been amended and corrected by the Returning Officer pursuant to subsections 2 and 3 of section 38 of the Act, or

(ii) the list of electors that has been completed and certified by the Returning Officer pursuant to section 50A of the Act;

(o) “municipality” means the Halifax Regional Municipality;

(p) “normal business hours” means the time between 8:30 am and 4:30 pm Monday through to and including Friday;

(q) “ordinary polling day” means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;

(r) “PIN” means the Personal Identification Number issued to:

(i) an elector for alternative voting on alternative polling days; or

(ii) to a System Elections Officer;

(ra) “plebiscite” means a plebiscite directed to be held by the Council pursuant to section 67 of the *Halifax Regional Municipality Charter* or section 56 of the *Act*;

(rb) “procedures and forms” means the procedures and forms the Returning Officer is required to establish pursuant to subsection 146A(4) of the Act;

(s) “proxy voter” means an elector who votes by a proxy pursuant to the Act;

(t) “regular election year” means 2008 and every fourth year thereafter;

(u) “rejected ballot” means the refusal by an elector to accept a ballot in a race;

(v) “Returning Officer” means a Returning Officer appointed pursuant to the Act;

(w) “seal” means to secure the ballot box and prevent internet and telephone ballots from being cast;

(wa) “special election” means a special election held pursuant to the Act, including a special election for a vacancy on a school board;

(wb) “spoiled ballot” means an internet ballot or telephone ballot that is accepted by the elector that:

(i) is not marked for any candidate in a race; or

(ii) is marked by an elector indicating a refusal to cast a vote for any candidate in a race;

(x) “system” means the technology, including software, that:

(i) records and counts votes; and

(ii) processes and stores the results of alternative voting during alternative polling days;

(y) “System Elections Officer” means:

(i) a person who maintains, monitors, or audits the system, and

(ii) a person who has access to the system beyond the access necessary to vote by alternative voting; and

(z) “telephone ballot” means:

(i) an audio set of instructions which describes the voting choices available to an elector; and

(ii) the marking of a selection by an elector by depressing the number on a touch tone keypad.

### **Alternative Voting Permitted**

3. Subject to this by-law, alternative voting shall be permitted on alternative polling days.

### **Notification of Electors**

4. (1) The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the municipality.

(2) The notice of alternative polling days shall:

(a) identify the alternative polling days for alternative voting; and

(b) inform the elector that telephone voting and internet voting is permitted during alternative polling days.

(3) The notice may include any other information the Returning Officer deems necessary.

### **Form of Telephone and Internet Ballots**

5. (1) A telephone ballot and internet ballot shall:

(a) identify by the title "Election for Mayor" or "Election for Councillor" or "Election for School Board Member", as the case may be;

(b) identify the names or names by which they are commonly known of the candidates with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and

(c) warn the elector to "vote for one candidate only" or "vote for not more than (the number of candidates to be elected) candidates", as the case may be.

(2) No title, honour, decoration or degree shall be included with a candidate(s) name on an internet ballot or telephone ballot.

### **Oath**

6. Any oath that is authorized or required shall be made:

(a) in the form specified by ~~this by-law~~ the procedures and forms; or

(b) if the form is not specified by ~~this by-law~~ the procedures and forms, in the form required by the Act.

### **Electors**

7. No person shall vote by alternative voting unless:

(a) the person's name appears on the final applicable list of electors ~~on the date chosen by Council for the final list of electors to be completed pursuant to section 40 of the Act;~~ or

(b) ~~the person's name does not appear on the final list of electors and:~~



(i) ~~the person appears before the Returning Officer or the Deputy Returning Officer during normal business hours during alternative polling days; and~~

(ii) ~~the person swears an oath in the prescribed form to this by-law.~~ Repeal;

(c) the person is added to the applicable list of electors pursuant to section 36 of the Act.

### Proxy Voting

8. A proxy voter shall not vote for an elector by alternative voting.

### Friend Voting

9. (1) A friend voter shall only vote for an elector by alternative voting if:

(a) an elector is unable to vote because :

(i) the elector is blind;

(ii) the elector cannot read; or

(iii) the elector has a physical disability that prevents him or her from voting by alternative voting.

(b) the elector and the friend appear, in person, before the Returning Officer or the Deputy Returning Officer and take the prescribed oaths.

(2) A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.

(3) The elector shall take an oath in the prescribed form ~~to this by-law~~ set out in the procedures and forms providing that he or she is incapable of voting without assistance.

(4) The friend of the elector shall take an oath in the prescribed form ~~to this by-law~~ set out in the procedures and forms that:

(a) the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend of the elector;

(b) the friend will mark the ballot as requested by the elector; and

(c) the friend will keep secret the choice of the elector.

(5) The Returning Officer shall enter in the poll book:

(a) the reason why the elector is unable to vote;

(b) the name of the friend; and

(c) the fact that the oaths were taken.

## **System Elections Officer**

9A. (1) A System Elections Officer shall have access to the system prior to the commencement of alternative voting during advance polling days to verify the count for each candidate is zero.

(2) Notwithstanding the day and time set for alternative voting, alternative voting shall not commence until the counts for each of the candidates is zero.

9B. A System Elections Officer shall comply with the procedures and forms established by the Returning Officer pursuant to the subsection 146A (4) of the Act.

## **Voting**

10 (1) The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.

(2) The system shall put spoiled ballots in the ballot box.

## **Seal**

11. (1) Where alternative voting closes before the close of the polls on ordinary polling day, the system shall seal the ballot box until after the close of the poll on ordinary polling day.

(2) The system shall seal the ballot box even where fewer than ten persons from any polling district voted for a candidate during alternative polling days.

## **List of persons who voted**

12. Where alternative voting closes before the close of the polls on ordinary polling day, the system shall:

(a) generate a list of all electors who voted by alternative voting; and

(b) on the ~~Final~~ applicable list of eElectors, cause a line to be drawn through the name of all the electors who voted during alternative polling days.

13. A printed and electronic copy of the lists under section 12 shall be delivered to the Returning Officer within 24 hours of the close of alternative voting.

13A. Where alternative voting closes at the close of the polls on ordinary polling day, the system shall generate a list of all electors who voted by alternative voting.

## **Counting**

14. (1) At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during alternative polling days.

(2) In counting the votes that were cast for each candidate during alternative polling days, the system shall count spoiled ballots and shall not count rejected ballots.

### **Tallying of Rejected Ballots**

15. At the close of ordinary polling day, the system shall tally the number of spoiled ballots that were cast during alternative polling days and the tally shall be delivered to the Returning Officer.

### **Recount by System**

16. In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.

17. If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.

18. (1) If the regenerated count and the initial count do not match, the Returning Officer shall:

(a) direct one final count be regenerated by the system of the votes cast by alternative voting, and

(b) attend while the final count is being regenerated.

(2) The regenerated final count pursuant to subsection (1) shall be the final count of the votes cast by alternative voting.

### **Recount by Court**

19. (1) For a recount, the judge shall only consider the final count by the system, as determined by section 17 or 18, of the total number of votes that were cast by alternative voting for each candidate.

(2) The final count by the system, as determined by section 17 or 18, of the total number of votes that were cast by alternative voting for each candidate shall be added to the judge's count of the number of votes for each candidate cast by non alternative voting.

### **Secrecy**

20. An Election Officer and System Election Officer shall maintain and aid in maintaining the secrecy of the voting.

21. Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

### **Other Methods of Voting**

22. If voting via the Internet through the unsupervised use of a personal computing device is permitted during an election, voting shall be permitted by some other means on each advance polling day and on ordinary polling day.

### **Severability**

23. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

## **Prohibitions**

24. No person shall:

(a) use another person's PIN to vote or access the system unless the person is a friend voter;

(b) take, seize, or deprive an elector of his or her PIN; or

(c) sell, gift, transfer, assign or purchase a PIN.

25. No person shall:

(a) interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;

(b) interfere or attempt to interfere with alternative voting; or

(c) attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

26. No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

## **Offences and Penalty**

27. (1) A person who:

(a) violates any provision of this by-law; or

(b) permits anything to be done in violation of any provision of this by-law; is guilty of an offence.

(2) A person who contravenes subsection (1) of this section is guilty of an offence and is liable, on summary conviction, to a penalty of not less than five thousand dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of two years less a day, or both.

(3) In determining a penalty under subsection (2), a judge shall take into account:

(a) the number of votes attempted to be interfered with;

(b) the number of votes interfered with; and

(c) any potential interference with the outcome of an election.

(4) Pursuant to section 146A of the Act:

(a) the limitation period for the prosecution of an offence under this by-law is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and

(b) *The Remission of Penalties Act*, 1989 SNS c. 397, as amended, does not apply to a pecuniary penalty imposed by this by-law.

Done and passed in Council this 17th day of June, 2008.

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Mayor

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Acting Municipal Clerk

**Repeal HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400**

**FORM 26  
BY-LAW SECTION 9**

**OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING ASSISTANCE FOR  
ALTERNATIVE VOTING  
(UNRELATED)**

*(For use by a person who is not a candidate and who is not related to the  
elector)*

You swear (or solemnly affirm) that:

- (a) you have not previously acted as a friend for any other elector in the election who is not a child, grandchild, brother, sister, parent, grandparent, or spouse;
- (b) you will carry out the wishes of the elector on whose behalf you act; and
- (c) you will keep secret the name of the candidate or candidates for whom you mark the internet ballot or telephone ballot.

**NOTE:** ~~A candidate shall not act as a friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate. A person who is not a candidate may act as a friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend.~~

**Repeal HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400**

**FORM 26A  
BY-LAW SECTION 9**

**OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING ASSISTANCE FOR  
ALTERNATIVE VOTING  
(CANDIDATE/RELATIVE)**

*(For use by a person, including a candidate, who is related to the  
elector)*

You swear (or solemnly affirm) that:

- (a) the elector on whose behalf you acted is a child, grandchild, brother, sister, parent, grandparent, or spouse;
- (b) you will carry out the wishes of the elector on whose behalf you act; and
- (c) you will keep secret the name of the candidate or candidates for whom you mark the internet ballot or telephone ballot.

**NOTE:** ~~A candidate shall not act as a friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate. A person who is not a candidate may act as a friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend.~~

HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400

**Repeal** FORM 31  
BY-LAW SECTION 7

**OATH OF AFFIRMATION OF ELECTOR  
NOT ON LIST OF ELECTORS**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number \_\_\_\_\_ of the Halifax Regional Municipality.
2. I have been ordinarily resident in the Halifax Regional Municipality for a period of three months immediately preceding ordinary polling day in this election.
3. I have not voted before in this election.
4. I am a Canadian citizen and of the full age of eighteen years, or will be on ordinary polling day.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, or a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.

<b>Address of Elector</b>	<b>Elector's Date Name of Birth</b>	<b>Signature of Elector</b>	<b>Consents to Being added to Voters List*</b>
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—(\*write “yes” or “no”)

**HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400**

Sworn (or affirmed) at \_\_\_\_\_ in the Halifax Regional Municipality,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me

\_\_\_\_\_  
Returning Officer or  
Deputy Returning Officer

**~~The Voters List may be used in future municipal, provincial or federal elections.~~**  
(Date of Birth will be removed from final list of electors).

**Repeal FORM 31A-  
BY-LAW SECTION**

7

**OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS FOR  
USE WHEN ELECTOR CAN VOTE ONLY FOR REGIONAL/DISTRICT  
SCHOOL BOARD**

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number \_\_\_\_\_ of the Halifax Regional Municipality.
2. I have been ordinarily resident in the school region/district in which my polling division is located for a period of three months immediately preceding ordinary polling day in this election.
3. I have not voted before in this election.
4. I am a Canadian citizen and of the full age of eighteen years, or will be on ordinary polling day.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, or a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.

<b>Address of Elector</b>	<b>Elector's Date</b>	<b>Signature of Elector</b>	<b>Consents to</b>
_____	<b>Name of Birth</b>	_____	<b>Being added to</b>
_____	_____	_____	<b>Voters List*</b>

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**HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400** (\*write "yes" or "no")

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Sworn (or affirmed) at \_\_\_\_\_ in the Halifax Regional Municipality,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me

\_\_\_\_\_  
Returning Officer or  
Deputy Returning Officer

**The Voters List may be used in future municipal, provincial or federal elections.**  
(Date of Birth will be removed from final list of electors).

~~HALIFAX REGIONAL MUNICIPALITY BY-LAW A-400~~  
~~BY-LAW SECTION~~  
~~7~~

~~OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS FOR  
USE WHEN ELECTOR CAN VOTE ONLY FOR  
CONSEIL SCOLAIRE ACADIEN PROVINCIAL~~

I swear (or solemnly affirm) that:

1. On this date I actually reside in Polling Division Number \_\_\_\_\_ of the Halifax Regional Municipality.
2. I have been ordinarily resident in the Province of Nova Scotia for a period of three months immediately preceding ordinary polling day in this election.
3. I have not voted before in this election.
4. I am a Canadian citizen and of the full age of eighteen years, or will be on ordinary polling day.
5. I am not the returning officer, a person serving a sentence in a penal or reform institution, or a person convicted of bribery under the *Municipal Elections Act* in the six years preceding ordinary polling day.

<del>Address of Elector</del>	<del>Elector's Date</del>	<del>Signature of Elector</del>	<del>Consents to</del>
	<del>Name of Birth</del>		<del>Being added to</del>
			<del>Voters List*</del>

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>(\*write "yes" or "no")

Sworn (or affirmed) at \_\_\_\_\_ in the Halifax Regional Municipality,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me

\_\_\_\_\_  
Returning Officer or  
Deputy Returning Officer

(Le présent formulaire est également disponible en français)

**The Voters List may be used in future municipal, provincial or federal elections.**  
(Date of Birth will be removed from final list of electors).





Juré (ou déclaré solennellement

(Indiquer oui ou non)

à:

\_\_\_\_\_ dans le comté de la Municipalité

régionale d'Halifax de \_\_\_\_\_

le \_\_\_\_\_

jour du mois de \_\_\_\_\_

de l'an \_\_\_\_\_

en ma présence \_\_\_\_\_

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Directeur du scrutin  
Sous-directeur du scrutin

**(A translation of this form is available in English)**

La liste des électeurs pourra servir lors d'élections municipales, provinciales ou fédérales ultérieures.

La date de naissance ne figurera pas sur la liste finale des électeurs.

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**Attachment 2  
(Amending By-law)**

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER A-404 RESPECTING  
ALTERNATIVE VOTING**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality, under the authority of Section 146A of the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended, that By-law A-600, the *Alternative Voting By-law*, is further amended as follows:

1. Section 2 is amended by:
  - (a) striking out the colon “:” after the word “by-law” and before clause a and by adding a comma “,” after the word “by-law” and before clause a;
  - (b) repealing clause l;
  - (c) adding clause na after clause n and before clause o as follows:
    - (na) “list of electors” means:
      - (i) prior to the list of electors being completed and certified by the Returning Officer pursuant to section 50A of the Act, the list of electors that has been amended and corrected by the Returning Officer pursuant to subsections 2 and 3 of section 38 of the Act; or
      - (ii) the list of electors that has been completed and certified by the Returning Officer pursuant to section 50A of the Act;
  - (d) adding clause rb after clause ra and before clause s as follows:
    - (rb) “procedures and forms” means the procedures and forms established by the Returning Officer pursuant to subsection 146A(4) of the Act;
2. Section 6 is amended by:
  - (a) striking out the words “this by-law” after the word “by” and before the semi-colon;
  - (b) adding the words “the procedures and forms” after the word “by” and before the semi-colon;
  - (c) striking out the words “this by-law” after the word “by” and before the comma; and
  - (d) adding the words “the procedures and forms” after the word “by” and before the comma.

3. Section 7 is amended by:
- (a) striking out the word “final” after the words “on the” and before the word “list” in clause a;
  - (b) striking out the words “on the date chosen by Council for the final list of electors to be completed pursuant to section 40 of the Act” after the word “electors” and before the semi-colon in clause a;
  - (c) adding the word “applicable” after the words “on the” and before the word “list” in clause a;
  - (d) adding the word “or” at the end of clause a;
  - (e) repealing clause b; and
  - (f) adding clause c after the repealed clause b and before section 8 as follows:
    - (c) the person is added to the applicable list of electors pursuant to section 36 of the Act.

4. Section 9 is amended by:
- (a) repealing the words “to this by-law” after the word “form” and before the word “providing” in subsection 3;
  - (b) adding the words “set out in the procedures and forms” after the word “form” and before the word “providing” in subsection 3;
  - (c) repealing the words “to this by-law” after the word “form” and before the word “that” in subsection 4; and
  - (d) adding the words the words “set out in the procedures and forms” after the word “form” and before the word “that” in subsection 4.

5. Sections 9A and 9B are added after section 9 and before section 10 as follows:

**System Elections Officer**

9A. (1) A System Elections Officer shall have access to the system prior to the commencement of alternative voting during advance polling days to verify the count for each candidate is zero.

(2) Notwithstanding the day and time set for alternative voting, alternative voting shall not commence until the counts for each of the candidates is zero.

9B. A System Elections Officer shall comply with the procedures and forms established by the Returning Officer pursuant to the subsection 146A (4) of the Act.

6. Clause b of section 12 is amended by:
  - (a) striking out the word “Final” after the word “the” and before the word “list”;
  - (b) adding the word “applicable” after the word “the” and before the word “list”; and
  - (c) decapitalizing and adding a comma after the word “electors,” after the words “list of” and before the word “cause”.
  
7. Section 20 is amended by:
  - (a) capitalized the words “election officer” after the word “an” and before the word “and”; and
  - (b) capitalizing the words “system election officer” after the word “and” and before the word “shall”.
  
8. The forms attached to the by-law are repealed.

Done and passed in Council this            day of            , 2016.

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Mayor

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Municipal Clerk

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER A - 400 RESPECTING  
ALTERNATIVE VOTING**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality, under the authority of Section 146A of the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended, as follows:

**Short Title**

1. This By-law shall be known as By-law Number A - 400 and may be cited as the "Alternative Voting By-law".

**Interpretation**

2. In this by-law,

- (a) "Act" means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
- (b) "advance poll" means the Tuesday immediately preceding ordinary polling day; and either
  - (i) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day; or
  - (ii) if Council has delegated its authority to fix a day to the Returning Officer, one other day fixed by the Returning Officer that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day;
- (c) "alternative polling days" means any hours and dates fixed by a resolution of Council for alternative voting;
- (d) "alternative voting" means voting by telephone or via the internet and includes a combination of telephone and internet voting;
- (e) "ballot box" means a computer database in the system where cast internet ballots and telephone ballots are put;
- (f) "candidate" means a person who has been nominated as a candidate pursuant to the Act;
- (g) "Council" means the Council of the municipality;
- (ga) "Deputy Returning Officer" means a person appointed under the Act to preside over a polling station;
- (h) "Education Act" means the *Education Act*, 1995-1996 S.N.S. c. 1, as amended;
- (i) "election" means an election held pursuant to the Act, including a school board election, a special election and a plebiscite;

- (j) “Election Officer” means an election official under the Act;
- (k) “elector” means a person:
  - (i) qualified to vote pursuant to the Act and the Education Act; and
  - (ii) entitled to vote for an election pursuant to section 7 of this by-law;
- (l) repealed;
- (m) “friend voter” means a friend who votes for an elector pursuant to section 9 of this by-law;
- (n) “internet ballot” means an image of a ballot on a computer screen including all the choices available to an elector and the spaces in which an elector marks a vote;
- (na) “list of electors” means:
  - (i) prior to the list of electors being completed and certified by the Returning Officer pursuant to section 50A of the Act, the list of electors that has been amended and corrected by the Returning Officer pursuant to subsections 2 and 3 of section 38 of the *Act*; or
  - (ii) the list of electors that has been completed and certified by the Returning Officer pursuant to section 50A of the Act;
- (o) “municipality” means the Halifax Regional Municipality;
- (p) “normal business hours” means the time between 8:30 am and 4:30 pm Monday through to and including Friday;
- (q) “ordinary polling day” means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;
- (r) “PIN” means the Personal Identification Number issued to:
  - (i) an elector for alternative voting on alternative polling days; or
  - (ii) to a System Elections Officer;
- (ra) “plebiscite” means a plebiscite directed to be held by the Council pursuant to section 67 of the *Halifax Regional Municipality Charter* or section 56 of the *Act*;
- (rb) “procedures and forms” means the procedures and forms established by the Returning Officer pursuant to subsection 146A(4) of the *Act*;
- (s) “proxy voter” means an elector who votes by a proxy pursuant to the Act;

- (t) “regular election year” means 2008 and every fourth year thereafter;
- (u) “rejected ballot” means the refusal by an electoral to accept a ballot in a race;
- (v) “Returning Officer” means a Returning Officer appointed pursuant to the Act;
- (w) “seal” means to secure the ballot box and prevent internet and telephone ballots from being cast;
- (wa) “special election” means a special election held pursuant to the *Act*, including a special election for a vacancy on a school board;
- (wb) “spoiled ballot” means an internet ballot or telephone ballot that is accepted by the elector that:
  - (i) is not marked for any candidate in a race; or
  - (ii) is marked by an elector indicating a refusal to cast a vote for any candidate in a race;
- (x) “system” means the technology, including software, that:
  - (i) records and counts votes; and
  - (ii) processes and stores the results of alternative voting during alternative polling days;
- (y) “System Elections Officer” means:
  - (i) a person who maintains, monitors, or audits the system, and
  - (ii) a person who has access to the system beyond the access necessary to vote by alternative voting; and
- (z) “telephone ballot” means:
  - (i) an audio set of instructions which describes the voting choices available to an elector; and
  - (ii) the marking of a selection by an elector by depressing the number on a touch tone keypad.

### **Alternative Voting Permitted**

3. Subject to this by-law, alternative voting shall be permitted on alternative polling days.

### **Notification of Electors**

4. (1) The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the municipality.



- (2) The notice of alternative polling days shall:
  - (a) identify the alternative polling days for alternative voting; and
  - (b) inform the elector that telephone voting and internet voting is permitted during alternative polling days.
- (3) The notice may include any other information the Returning Officer deems necessary.

### **Form of Telephone and Internet Ballots**

5. (1) A telephone ballot and internet ballot shall:
  - (a) identify by the title “Election for Mayor” or “Election for Councillor” or “Election for School Board Member”, as the case may be;
  - (b) identify the names or names by which they are commonly known of the candidates with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and
  - (c) warn the elector to “vote for one candidate only” or “vote for not more than (the number of candidates to be elected) candidates”, as the case may be.
- (2) No title, honour, decoration or degree shall be included with a candidate(s) name on an internet ballot or telephone ballot.

### **Oath**

6. Any oath that is authorized or required shall be made:
  - (a) in the form specified by the procedures and forms; or
  - (b) if the form is not specified by the procedures and forms, in the form required by the Act.

### **Electors**

7. No person shall vote by alternative voting unless:
  - (a) the person’s name appears on the applicable list of electors; or
  - (b) Repealed;
  - (c) the person is added to the applicable list of electors pursuant to section 36 of the Act.

### **Proxy Voting**

8. A proxy voter shall not vote for an elector by alternative voting.

## **Friend Voting**

9. (1) A friend voter shall only vote for an elector by alternative voting if:
  - (a) an elector is unable to vote because:
    - (i) the elector is blind;
    - (ii) the elector cannot read; or
    - (iii) the elector has a physical disability that prevents him or her from voting by alternative voting.
  - (b) the elector and the friend appear, in person, before the Returning Officer or the Deputy Returning Officer and take the prescribed oaths.
- (2) A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.
- (3) The elector shall take an oath in the prescribed form set out in the procedures and forms providing that he or she is incapable of voting without assistance.
- (4) The friend of the elector shall take an oath in the prescribed form set out in the procedures and forms that:
  - (a) the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend of the elector;
  - (b) the friend will mark the ballot as requested by the elector; and
  - (c) the friend will keep secret the choice of the elector.
- (5) The Returning Officer shall enter in the poll book:
  - (a) the reason why the elector is unable to vote;
  - (b) the name of the friend; and
  - (c) the fact that the oaths were taken.

## **System Elections Officer**

- 9A. (1) A System Elections Officer shall have access to the system prior to the commencement of alternative voting during advance polling days to verify the count for each candidate is zero.
  - (2) Notwithstanding the day and time set for alternative voting, alternative voting shall not commence until the counts for each of the candidates is zero.
- 9B. A System Elections Officer shall comply with the procedures and forms established by the Returning Officer pursuant to the subsection 146A (4) of the Act.

## **Voting**

10. (1) The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.

(2) The system shall put spoiled ballots in the ballot box.

## **Seal**

11. (1) Where alternative voting closes before the close of the polls on ordinary polling day, the system shall seal the ballot box until after the close of the poll on ordinary polling day.

(2) The system shall seal the ballot box even where fewer than ten persons from any polling district voted for a candidate during alternative polling days.

## **List of persons who voted**

12. Where alternative voting closes before the close of the polls on ordinary polling day, the system shall:

(a) generate a list of all electors who voted by alternative voting; and

(b) on the applicable list of electors, cause a line to be drawn through the name of all the electors who voted during alternative polling days.

13. A printed and electronic copy of the lists under section 12 shall be delivered to the Returning Officer within 24 hours of the close of alternative voting.

13A. Where alternative voting closes at the close of the polls on ordinary polling day, the system shall generate a list of all electors who voted by alternative voting.

## **Counting**

14. (1) At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during alternative polling days.

(2) In counting the votes that were cast for each candidate during alternative polling days, the system shall count spoiled ballots and shall not count rejected ballots.

## **Tallying of Rejected Ballots**

15. At the close of ordinary polling day, the system shall tally the number of spoiled ballots that were cast during alternative polling days and the tally shall be delivered to the Returning Officer.

## **Recount by System**

16. In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.

17. If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.

18. (1) If the regenerated count and the initial count do not match, the Returning Officer shall:

(a) direct one final count be regenerated by the system of the votes cast by alternative voting, and

(b) attend while the final count is being regenerated.

(2) The regenerated final count pursuant to subsection (1) shall be the final count of the votes cast by alternative voting.

### **Recount by Court**

19. (1) For a recount, the judge shall only consider the final count by the system, as determined by section 17 or 18, of the total number of votes that were cast by alternative voting for each candidate.

(2) The final count by the system, as determined by section 17 or 18, of the total number of votes that were cast by alternative voting for each candidate shall be added to the judge's count of the number of votes for each candidate cast by non alternative voting.

### **Secrecy**

20. An Election Officer and System Election Officer shall maintain and aid in maintaining the secrecy of the voting.

21. Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

### **Other Methods of Voting**

22. If voting via the Internet through the unsupervised use of a personal computing device is permitted during an election, voting shall be permitted by some other means on each advance polling day and on ordinary polling day.

### **Severability**

23. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

### **Prohibitions**

24. No person shall:

(a) use another person's PIN to vote or access the system unless the person is a friend voter;

(b) take, seize, or deprive an elector of his or her PIN; or

(c) sell, gift, transfer, assign or purchase a PIN.

25. No person shall:

(a) interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;

(b) interfere or attempt to interfere with alternative voting; or

(c) attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

26. No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

### **Offences and Penalty**

27. (1) A person who:

(a) violates any provision of this by-law; or

(b) permits anything to be done in violation of any provision of this by-law; is guilty of an offence.

(2) A person who contravenes subsection (1) of this section is guilty of an offence and is liable, on summary conviction, to a penalty of not less than five thousand dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of two years less a day, or both.

(3) In determining a penalty under subsection (2), a judge shall take into account:

(a) the number of votes attempted to be interfered with;

(b) the number of votes interfered with; and

(c) any potential interference with the outcome of an election.

(4) Pursuant to section 146A of the Act:

(a) the limitation period for the prosecution of an offence under this by-law is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and

(b) *The Remission of Penalties Act*, 1989 SNS c. 397, as amended, does not apply to a pecuniary penalty imposed by this by-law.

Done and passed in Council this 17th day of June, 2008.

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Mayor

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Acting Municipal Clerk