Municipal Elections Act

CHAPTER 300 OF THE REVISED STATUTES, 1989

as amended by

1990, c. 38; 1991, c. 6, s. 41; 1994, c. 26; 1995-96, c. 16, s. 211;
1995-96, c. 1, s. 150; 1997, c. 6; 1998, c. 18, s. 568; 1999 (2nd Sess.), c. 13;
2000, c. 9, ss. 20-31; 2003, c. 9 ss. 2, 3, 5-43; 2003 (2nd Sess.), c. 5;
2004, c. 7. s. 21; 2007, c. 46 (except ss. 5, 22 and 24(3)); 2008, c. 24;
2008, c. 54, s. 13; 2011, c. 68, ss. 1-28; 2015, c. 47; 2018, c. 1, Sch. A, s. 125;
2018, c. 17, ss. 11, 12; 2019, c. 35; 2025, c. 17, ss. 20-23

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An Act to Revise and Consolidate the Statutory Provisions Respecting Municipal Elections

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Short title

1 This Act may be cited as the *Municipal Elections Act*. R.S., c. 300, s. 1.

Interpretation and application

2 **(1)** In this Act, unless the context otherwise requires,

(a) "advance polling day" means

(i) the Tuesday immediately preceding ordinary polling day, and

(ii) 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;

(b) "candidate"

(i) before the close of nominations on nomination day means a person who is declared, by himself, or by others with his consent, to be a candidate, and

(ii) after the close of nominations on nomination day means a person who has been nominated as a candidate;

(ba) "chief administrative officer" means the chief administrative officer of a municipality;

(c) "clerk" means the clerk of a municipality;

(d) "corrupt practice" means an act or omission in connection with an election in respect of which an offence is provided under the *Criminal Code* (Canada), or which is declared to be a corrupt practice by this Act or any other Act or is recognized as such by law;

(e) "council" means the council of a municipality;

(f) "councillor" means a mayor, warden or council member;

(g) *repealed 2011, c. 68, s. 1.*

(h) "deputy returning officer" means a person appointed under this Act to preside over a polling station;

(i) "during an election" or "at an election" includes the four weeks immediately preceding ordinary polling day;

(j) "election" means an election held pursuant to this Act;

(k) *repealed 1994, c. 26, s. 2.*

(l) "election officer" means the clerk, the returning officer, the registrar of voters and every deputy returning officer, poll clerk, enumerator and revising officer appointed pursuant to this Act;

(m) "elector" means a person qualified to vote at an election, whether or not his name is on a list of electors;

(n) "electoral district" means a district for the election of a member of a school board;

(o) "enumerator" means a person appointed under this Act to enumerate the electors;

(p) "judge", in the case of a recount, means a judge of the Provincial Court or of the Supreme Court and, in the case of the controverted elections provisions, means a judge of the Supreme Court;

(q) "level access" in respect of any premises means premises that are so located that a person may reach the premises from the street or roadway and enter the premises without going up or down any step, stairs or escalator;

(r) "Minister" means the Minister of Municipal Affairs;

(s) "municipality" means a regional municipality, town or county or district municipality;

(sa) "nomination day", in the case of a regular election, means the second Tuesday in September in a regular election year and, in the case of any other election, means the fourth Tuesday preceding ordinary polling day;

(t) "oath" includes affirmation and statutory declaration;

(u) "ordinarily resident" means ordinarily resident as defined by Section 16;

(v) "ordinary polling day" in the case of a regular election 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;

(va) "parental accommodation" means a leave of absence by a councillor due to

(i) the pregnancy of the councillor,

(ii) the birth of the child of the councillor, or

(iii) the adoption of a child by the councillor;

(w) "poll clerk" means a person appointed under this Act to assist a deputy returning officer;

(x) "polling district" includes a ward or a town which is not divided into wards;

(y) "polling division" means one of the parts into which a polling district is divided for the purpose of better taking the vote;

(z) "prescribed" means prescribed pursuant to this Act;

(aa) "printing" includes words written, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in a visible form;

(aaa) "Provincial Court" means the Provincial Court of Nova Scotia;

(ab) "regular election" means the election in which all councillors are to be elected;

(ac) "regular election year" means 2000 and every fourth year thereafter;

(ad) "respondent" means any person whose election or return is complained of by a proceeding under this Act;

(ae) "school board" means the Conseil scolaire acadien provincial;

(af) "seal" means a seal made of some substantial material, having a serial number imprinted thereon, and furnished by the returning officer to seal a ballot box;

(ag) "special election" means an election held pursuant to Section 13 to fill a vacancy on the council;

(aga) "Supreme Court" means the Supreme Court of Nova Scotia;

(ah) "voter" means a person who has voted at an election under this Act.

(2) Subject to the *Education Act*, this Act shall *mutatis mutandis* apply to the election of any member of a school board as if such member were a councillor. R.S., c. 300, s. 2; 1990, c. 38, s. 1; 1991, c. 6, s. 41; 1994, c. 26, s. 1; 1995-96, c. 1, s. 150; 1998, c. 18, s. 568; 2003, c. 9, s. 2; 2007, c. 46, s. 1; 2011, c. 68, s. 1; 2018, c. 1, Sch. A, s. 125; 2018, c. 17, s. 11; 2025, c. 17, s. 20.

Alternative method of providing public notice

2A Notwithstanding any other provision of this Act, where public notice is required to be provided by insertions of the notice in a circulating newspaper, it is also permissible to use the alternative public method of posting the notice on the municipality's publicly accessible website and in at least five conspicuous places in the municipality. 2025, c. 17, s. 21

Municipal Elections Officer

3 (1) The Governor in Council shall appoint a person as the Municipal Elections Officer.

(2) The Municipal Elections Officer may

(a) issue to returning officers such instructions as he may deem necessary to assist in the effective execution of this Act;

(b) perform such other duties as are prescribed by or under this Act. R.S., c. 300, s. 3; 2007, c. 46, s. 2.

Returning officer and assistant returning officer

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.

(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.

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

(2) The returning officer and the assistant returning officer shall, before entering upon the duties of office, take the oath in prescribed form. R.S., c. 300, s. 4; 1994, c. 26, s. 2; 2003, c. 9, s. 3; 2011, c. 68, s. 2.

Returning officer for school board election

5 (1) Where an electoral district of a school board member contains the whole or part of more than one municipality, the returning officers of the municipalities within or partly within the electoral district shall designate one of themselves to be the returning officer for the school board election.

(2) Where the returning officers are unable to agree on the designation, the Municipal Election Officer shall designate one of the returning officers to be the returning officer for the school board election.

(3) A returning officer designated pursuant to this Section shall be responsible for accepting nominations, arranging for ballots to be printed, conducting the official addition of votes and determining the disposition of each candidate's deposit. R.S., c. 300, s. 5; 2011, c. 68, s. 3.

Duties of returning officer

6 The returning officer shall

(a) exercise general direction and supervision over the administrative conduct of all elections;

(b) appoint such enumerators, revising officers, deputy returning officers, poll clerks and other election officers as may be necessary;

(c) appoint substitute election officers to act in the stead of election officers who cannot act by reason of death, sickness, conflict of interest, resignation or other cause;

(d) fix such polling places as may be required for the various polling districts;

(e) instruct the election officers in the effective execution of their duties;

(f) require election officers to conduct themselves with fairness and impartiality and in compliance with this Act; and

(g) do all other acts required for holding elections in conformity with the provisions of this Act. R.S., c. 300, s. 6; 1994, c. 26, s. 3.

Substitute election officers

7 (1) The returning officer may appoint and instruct substitute election officers in anticipation of requirements.

(2) A substitute election officer appointed pursuant to subsection (1) need not be resworn before entering upon his duties as directed by the returning officer when the need arises. R.S., c. 300, s. 7.

Disqualification as and oath of election officer

8 (1) The returning officer shall not appoint as an election officer any person who has in the ten years preceding ordinary polling day been convicted of a corrupt practice or of bribery.

(2) Except where otherwise provided by this Act, every election officer shall, before entering upon the duties of his office, take the oath in prescribed form. R.S., c. 300, s. 8.

Polling divisions

9 (1) On or before the thirty-first day of March in a regular election year, the returning officer shall divide the polling districts in the municipality into such divisions for purposes of better taking the vote as he deems necessary, and shall forthwith report the divisions to the council.

(2) In dividing the polling districts into divisions the returning officer shall take into consideration

(a) geographical and other factors that may affect the convenient conduct of an election;

(b) the desirability of the territorial limits of the divisions conforming as nearly as possible with those established for the last federal, provincial or municipal election;

(c) the incorporation, where practical, of approximately seven hundred electors in a division; and

(d) the desirability of incorporating a hospital, a sanatorium, a home for the aged, a licensed nursing home or an institution for the care and treatment of chronic diseases into a division.

(3) Notwithstanding clause (c) of subsection (2), the returning officer may designate a multiple unit residential building of any size as a separate polling station.

(4) Notwithstanding subsection (2), the returning officer shall establish a separate polling division for each home for the aged approved and each nursing home licensed under the *Homes for Special Care Act* and in which ten or more electors reside.

(5) Where, by reason of an established practice or other special circumstances, it is more convenient to establish a polling division containing substantially more than seven hundred electors and to divide the list of electors for the polling division between two or more polling stations, the returning officer may establish a polling division which contains as nearly as possible some multiple of seven hundred electors.

(6) It shall not be necessary to divide a polling district into divisions if, in the opinion of the returning officer, it is not necessary or desirable to do so, and in such cases the polling district shall be one polling division.

(7) The divisions of a polling district for an election shall be those established by the returning officer pursuant to this Section or, if he has not prescribed new divisions or changes in the existing divisions, the divisions shall be those established for the last municipal election.

(8) A copy of the description of each polling district and polling division in the municipality shall be kept in the municipal office where it shall be open to public inspection during regular office hours.

(9) In an advertisement required by this Act it shall not be necessary to set out the metes and bounds of any polling district or polling division and a general description by which the area can be readily identified shall be sufficient. R.S., c. 300, s. 9.

Ordinary polling day

10 The election of councillors shall be held on the third Saturday in October in the year 2000 and on the third Saturday in October in every fourth year thereafter. R.S., c. 300, s. 10; 1998, c. 18, s. 568.

Poll for each polling and electoral district

11 An election shall take place in and for each polling district and electoral district. R.S., c. 300, s. 11; 1994, c. 26, s. 4.

Term of office

12 Except as herein otherwise provided, each councillor shall hold office from the time when he takes his oath of office until his successor is sworn into office or, if there is no successor, until the meeting at which the successor would have been sworn into office if there was a successor. R.S., c. 300, s. 12; 1994, c. 26, s. 5.

Vacancy

13 **(1)** Subject to subsection (8), within four weeks after a vacancy occurs on a council because

(a) an insufficient number of candidates are nominated to fill the vacancies at a regular or special election; or

(b) a councillor dies, resigns, becomes disqualified or forfeits office,

the council or, where there is no council, the Minister shall name a day for a special election to fill the vacancy and, if no regular meeting of the council is to be held within that time, the clerk shall call a special meeting for the purpose.

(1A) Subject to subsection (8), within four weeks after a vacancy occurs on a school board because

(a) an insufficient number of candidates are nominated to fill the vacancies at a regular or special election; or

(b) a member dies, resigns, becomes disqualified or forfeits office,

the school board, or where there is no school board, the Minister of Education and Early Childhood Development, shall name a day for a special election to fill the vacancy and, if no regular meeting of the school board is to be held within that time, the superintendent shall call a special meeting for that purpose.

(1B) Notwithstanding subsection (1A), but subject to subsection (2), if the municipal returning officer is to be the returning officer for the special election of the school board member, the municipal returning officer shall provide the school board or the Minister of Education and Early Childhood Development with the dates that the returning officer is able to act as returning officer for the special election and the school board or the Minister shall select the day for the special election from the dates that the returning officer provides.

(2) The day fixed for the special election shall be a Saturday not more than eleven weeks after the meeting of the council at which the day was named.

(3) Nomination day for a special election shall be the fourth Tuesday preceding ordinary polling day.

(4) If the vacancy referred to in subsection (1) is in the office of mayor, the nomination day for the office of mayor shall be the fifth Thursday preceding ordinary polling day.

(5) If a vacancy is created in the council by virtue of a councillor being nominated for mayor pursuant to subsection (4), the nomination day for the vacancy shall be as provided in subsection (3).

(6) A special election shall be conducted as nearly as may be in accordance with the provisions governing regular elections.

(7) A councillor elected at a special election shall hold office from the time when he takes his oath of office until his successor is sworn into office or, if there is no successor, until the meeting at which the successor would have been sworn into office if there was a successor.

(8) No special election shall be held for a vacancy on a council within the six months preceding ordinary polling day for a regular election unless otherwise determined by the Minister or the council.

(9) *repealed 2008, c. 54, s. 13.*

R.S., c. 300, s. 13; 1994, c. 26, s. 6; 2003, c. 9, s. 5; 2007, c. 46, s. 3; 2008, c. 54, s. 13; O.I.C. 2013-128.

Qualifications of elector

14 Subject to the other provisions of this Act, every person who

(a) is of the full age of eighteen years on ordinary polling day;

(b) is a Canadian citizen on ordinary polling day;

(c) has been ordinarily resident in the Province for a period of six months immediately preceding ordinary polling day; and

(d) is ordinarily resident in the municipality or in an area annexed to the municipality and has been so since immediately before ordinary polling day,

is entitled to be registered on the list of electors and to vote. R.S., c. 300, s. 14; 1994, c. 26, s. 7; 2015, c. 47, s. 1; 2025, c. 17, s. 22.

Disqualified persons

15 The following persons shall not be entitled to be registered on the list of electors or to vote:

(a) *repealed 2025, c. 17, s. 23.*

(b) *repealed 1994, c. 26, s. 8.*

(c) a person serving a sentence in a penal or reform institution;

(d) *repealed 1994, c. 26, s. 8.*

(e) a person who has been convicted of bribery under this Act in the six years preceding ordinary polling day. R.S., c. 300, s. 15; 1994, c. 26, s. 8; 2025, c. 17, s. 23.

Ordinarily resident

16 (1) A person is ordinarily resident in the place where the person lives and to which, whenever absent, the person intends to return.

(2) A person may be ordinarily resident in only one place at a time.

(3) A person does not cease to be ordinarily resident in a place by leaving the place for a temporary purpose only.

(4) Where a person usually sleeps in one place and has meals or is employed in another place, the person is ordinarily resident in the place where the person sleeps.

(5) Where a person has temporary residential quarters, those quarters are considered to be the place in which the person is ordinarily resident only if the person has no other place the person considers as that person's ordinary place of residence.

(6) Where a person is being provided with food, lodging or other social services by a shelter, hostel or similar institution, the person is ordinarily resident in the shelter, hostel or institution.

(7) Where the rules set out in subsections (1) to (6) are not sufficient to determine the place where a person is ordinarily resident, the place where the person is ordinarily resident must be determined by the appropriate election officer with reference to all the facts of the case.

(8) A person who, on the first advance polling day,

(a) is a student;

(b) is ordinarily resident in a polling district or polling division other than that of the person's family home; and

(c) is qualified as an elector,

may elect to be included on the list of electors in one or the other of the polling divisions, but not both, and is deemed to be ordinarily resident in that polling division.

(9) A person is not ordinarily resident in a residence that is generally occupied by the person only between the beginning of May and the end of October but that is generally unoccupied between the beginning of November and the end of April unless the person does not have another residence in the Province where the person resides between the beginning of November and the end of April. 2011, c. 68, s. 4; 2015, c. 47, s. 2.

Eligibility as councillor

17 (1) Except as otherwise provided in this Act, every person shall be qualified to be elected as councillor who

(a) is a Canadian citizen of the full age of eighteen years at the time of nomination;

(b) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months preceding nomination day, and continues to so reside;

(c) has obtained a certificate in the prescribed form from the clerk, treasurer, collector or other official having knowledge of the facts that, as of nomination day, the charges that are liens on the person's property and the taxes due to the municipality by the person have been fully paid or all instalments or interim payments that are due as of nomination day have been paid; and

(d) is not disqualified under this Act.

(2) A councillor who is otherwise qualified shall be eligible for re-election. R.S., c. 300, s. 17; 1998, c. 18, s. 568; 2003, c. 9, s. 7; 2003 (2nd Sess.), c. 5, s. 1; 2011, c. 68, s. 5.

Interpretation of Sections 17B and 17C

17A (1) A person who accepts or holds office or employment in the service of a municipality or any utility, board, commission, committee or official of the municipality is, for the purpose of Sections 17B and 17C, an employee of the municipality.

(1A) For the purpose of subsection (1), volunteer service as a member of a board or committee of the municipality does not constitute accepting or holding office or employment in the service of a municipality.

(2) A reference to the chief administrative officer of a municipality is, for the purpose of Sections 17B and 17C, a reference to the clerk of the municipality if there is no chief administrative officer of the municipality. 2000, c. 9, s. 20; 2019, c. 35, s. 1.

Nomination and service of employee as councillor

17B Notwithstanding Section 18 of the *Municipal Government Act*, an employee of a municipality, other than the chief administrative officer, may be nominated and serve as a councillor if the person is on a leave of absence pursuant to Section 17C. 2000, c. 9, s. 20; 2003, c. 9, s. 8.

Leave of absence

17C (1) A person who is an employee of a municipality, other than the chief administrative officer, and who intends to become a candidate shall take a leave of absence beginning not later than the day the person becomes a candidate.

(2) A person who

(a) is required by subsection (1) to take a leave of absence; or

(b) intends to become a candidate and wishes a leave of absence beginning sooner than required by the required leave of absence,

shall apply for a leave of absence to the chief administrative officer of the municipality and the leave of absence shall be granted.

(3) Where the person withdraws as a candidate and, before the election, notifies the chief administrative officer of the municipality of the person's intention to return to work, the person may return to the position the person held immediately before the leave of absence commenced two weeks after the notice is given, or at such other time as is agreed to by the person and the chief administrative officer.

(4) A leave of absence granted to a person pursuant to subsection (2) terminates on the day the successful candidate in the election is declared elected unless, on or before the day immediately before ordinary polling day, the person notifies the chief administrative officer of the municipality that the person wishes the leave of absence to be extended for such number of days, not exceeding ninety, as the person states in the notice and in such case the leave of absence terminates as stated in the notice.

(5) A person on a leave of absence granted pursuant to subsection (2) to be a candidate in an election and who is an unsuccessful candidate in the election may return to the position in the employment of the municipality that the person held immediately before the leave of absence commenced.

(6) The leave of absence of a person who is a successful candidate is extended from ordinary polling day of the election at which the person was elected until two weeks after the latest of

(a) the resignation of the person from council, if the resignation occurs before the next election;

(b) the date nominations close for the next election, where the person is not officially nominated as a candidate in the next election; or

(c) declaration day for the next election, if the person is not declared elected in the next election.

(7) Where the person is elected for the second time, the leave of absence granted to that person pursuant to subsection (2) terminates on the day the person is declared elected for the second time and the person ceases to be an employee of the municipality or to hold office for all purposes, including entitlement to all employee or office-related benefits.

(8) Notwithstanding Section 18 of the *Municipal Government Act*, a person who is not re-elected at the second election held during the leave of absence granted to that person pursuant to subsection (2) may, when the leave of absence expires pursuant to subsection (6), return to the position in the employment of the municipality that the person held immediately before the leave of absence commenced or, where that position has been filled or eliminated, to an equivalent position.

(9) Where a leave of absence is granted pursuant to subsection (2), the person to whom the leave of absence is granted shall not be paid but the person, upon application to the chief administrative officer of the municipality at any time before the leave of absence commences, is entitled to pension credit for service as if the person were not on a leave of absence and to medical and health benefits, long-term disability coverage and life insurance coverage, or any one or more of them, if the person pays both that person's and the municipality's, utility's, board's, commission's, committee's or official's share of the cost. 2000, c. 9, s. 20.

Disqualified persons

18 **(1)** No person is qualified to be nominated or to serve as councillor who

(a) is a member of the House of Commons or Senate of Canada;

(b) is a member of the Legislative Assembly;

(ba) is a village commissioner;

(c) is a member of the council of another municipality;

(ca) is a judge of the Nova Scotia Court of Appeal, the Supreme Court or the Provincial Court;

(d) accepts or holds office or employment in the service of the municipality, or any utility, board, commission, committee or official thereof, to which any salary, fee, wages, allowance, emolument, profit or other remuneration of any kind is attached, for so long as he holds or is engaged in the office or employment unless the person is on a leave of absence granted pursuant to subsection 17C(2), but this disqualification does not apply in respect of an office or employment

(i) as a volunteer fireman with a municipal fire fighting organization,

(ia) as a volunteer member of a board or committee of the municipality,

(ii) with a school board, or

(iii) with a joint body of two or more municipalities to which the municipality appoints at least one representative and to which the municipality provides funding; or

(e) *repealed 1994, c. 26, s. 9.*

(f) has been convicted of any corrupt practice or bribery contrary to this Act within five years preceding nomination day.

(1A) *repealed 2003, c. 9, s. 9.*

(1B) Where a person who is a councillor is convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years, the person ceases to be a councillor.

(2) During a special election, no person is qualified to be nominated as councillor who is a member of a school board.

(3) *repealed 1991, c. 6, s. 41.*

(4) Notwithstanding subsection (1), a councillor who is elected to the Legislative Assembly or the House of Commons or who is appointed to the Senate of Canada or as a judge of the Supreme Court or a judge of the Provincial Court shall resign his office as councillor within thirty days of such election or appointment.

(5) A councillor who ceases to be ordinarily resident in the municipality shall cease to be qualified to serve as a councillor.

(5A) Notwithstanding subsection (5), where a councillor has the approval of council, a councillor may be ordinarily resident outside the municipality but within the Province for one period of not more than six months in a term.

(6) A councillor who, without leave of the council, is absent from three consecutive regular meetings of the council shall thereby vacate his office, and the office shall be declared vacant by the council, whether or not the councillor has vacated his office.

(6A) Subsection (6) does not apply where the councillor is absent for fifty-two or fewer consecutive weeks due to parental accommodation during a pregnancy or commenced within one year of a birth or adoption.

(7) A councillor who is nominated to fill a vacancy in the office of mayor where a special election is required shall thereby vacate his office as councillor.

(8) Any person who acts or sits as a councillor after becoming disqualified shall be liable to a penalty of not more than five hundred dollars for each day that he so acts or sits.

(9) This Section does not apply to a school board. R.S., c. 300, s. 18; 1991, c. 6, s. 41; 1994, c. 26, s. 9; 1998, c. 18, s. 568; 1999 (2nd Sess.), c. 13, s. 1; 2000, c. 9, s. 21; 2003, c. 9, s. 9; 2004, c. 7, s. 21; 2011, c. 68, s. 6; 2018, c. 17, s. 12; 2019, c. 35, s. 2.

19 *repealed 2003, c. 9, s. 10.*

Disqualification ceases

20 **(1)** *repealed 2000, c. 9, s. 22.*

(2) If at any time after any person has become disqualified by virtue of this Act the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move a judge to order, and the judge shall, upon being satisfied that such disqualification was procured by reason of perjury, order that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly. R.S., c. 300, s. 20; 2000, c. 9, s. 22.

Preliminary list of electors

21 Prior to the thirty-first day of July in a regular election year the returning officer shall prepare a preliminary list of electors for each polling division. R.S., c. 300, s. 21.

Registrar of voters

22 **(1)** The council may, on or before the first day of May in a regular election year, appoint a registrar of voters on the recommendation of the returning officer.

(2) The registrar of voters shall oversee the conduct of the enumeration, ensure that the enumerators carry out their duties and otherwise assist the returning officer in the preparation of the preliminary list of electors.

(3) The registrar of voters shall, before entering upon the duties of his office, take the oath in prescribed form.

(4) Where the council does not appoint a registrar of voters, the returning officer shall carry out the duties of the registrar of voters and, in such an event, subsection (3) does not apply. R.S., c. 300, s. 22; 1994, c. 26, s. 11.

Enumerators

23 **(1)** The returning officer shall appoint a sufficient number of enumerators to complete an enumeration of the electors residing in each polling district or polling division within a polling district.

(2) The returning officer or registrar of voters shall provide the enumerators with a detailed and accurate description of the polling division for which the enumerators have been appointed.

(3) An enumerator shall, before entering upon the duties of his office, take the oath in prescribed form.

(4) A returning officer may for cause dismiss and replace an enumerator, and may appoint an enumerator in the place of one who resigns, dies or becomes incapacitated or may direct a substitute enumerator to act.

(5) Upon request in writing signed by the returning officer, an enumerator so replaced shall forthwith give up the enumerators' index sheets and other papers which he has received as an enumerator to the person designated by the returning officer. R.S, c. 300, s. 23.

Duties of enumerator

24 (1) The enumerators shall, on or before the last day of May, or the date set by the returning officer and approved by council, whichever is later, in a regular election year, proceed to ascertain the full name and particulars of every person qualified to vote in an election in each polling division for which they have been appointed.

(2) The enumerators shall visit each dwelling place, including nursing homes, senior citizens' homes, rooming houses and homes for the aged, in the polling divisions for which they have been appointed for the purpose of obtaining the names and particulars of all qualified electors.

(3) The enumerators shall visit each dwelling place in their divisions from which they were unable to obtain the names of all qualified electors at least a second time.

(4) If the enumerators are unable to obtain the names and particulars by the visits, then they may obtain them from any other reliable sources of information available to them.

(5) Where, on a visit to a dwelling place, the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing at the dwelling place, the enumerators shall leave at that dwelling place a notification card, as prescribed by the returning officer, on which shall be stated

(a) the purpose of the enumeration; and

(b) the name, telephone number and office address of the returning officer or, if one has been appointed, the registrar of voters for the municipality. R.S., c. 300, s. 24; 2003 (2nd Sess.), c. 5, s. 2; 2007, c. 46, s. 4.

Information on index sheet

25 (1) The enumerators shall register on index sheets in prescribed form or in such other manner as may be determined by the returning officer

(a) the name of each elector under the given names and surname by which the elector is known in the polling division;

(aa) the birthdate of each elector; and

(b) the address of each elector.

(2) There shall be separate index sheets kept for each polling division within a polling district. R.S, c. 300, s. 25; 2003 (2nd Sess.), s. 5, s. 3.

Duty of care

26 The enumerators shall take all necessary precautions and care to ensure that their index sheets, when completed,

(a) contain the correct name and particulars of every qualified elector in the polling division;

(b) do not contain the name of a person who is not qualified; and

(c) do not duplicate any names. R.S., c. 300, s. 26; 2003 (2nd Sess.), c. 5, s. 4.

Date of completion of enumeration

27 Not later than the tenth day of June, or the date set by the returning officer and approved by council, whichever is later, the enumerators shall

(a) complete the certificate in prescribed form on the last page of the index sheets; and

(b) deliver to the returning officer or registrar of voters the index sheets completed as prescribed or determined. R.S., c. 300, s. 27; 2007, c. 46, s. 6.

Obstruction of enumerator

28 Every one who impedes or obstructs an enumerator in the performance of duties under this Act is guilty of an offence against this Act. R.S., c. 300, s. 28.

Omission of names from list of electors

29 If the enumerators have left off a substantial number of persons from the preliminary list of electors, the returning officer or registrar of voters may

(a) appoint additional enumerators to register the names omitted from the list and add the same;

(b) deduct the cost of such additional enumerators from the fees otherwise payable to the enumerators who omitted the names. R.S., c. 300, s. 29.

Refusal to be enumerated

29A (1) Notwithstanding any other provision of this Act, a person may refuse to be enumerated.

(2) Where a person refuses to be enumerated, the enumerator shall record the address of that person and the fact that the person refused to be enumerated.

(3) A record made pursuant to subsection (2) shall not be included in the index or any list of electors.

(4) A record made pursuant to subsection (2) shall not be available for public inspection and shall not be included with the amended list of electors provided to the candidates pursuant to Section 48.

(5) A record made pursuant to subsection (2) shall be given to the registrar of voters or returning officer by the enumerators on returning the index sheets, and the returning officer may give the record to the revising officer but the enumerator shall not otherwise disclose the content of the record. 1994, c. 26, s. 12; 2015, c. 47, s. 3.

Enumeration or use of lists or permanent register

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

(a) conduct an enumeration;

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

(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.

(2) Where a special election is to be held, the returning officer may

(a) conduct an enumeration;

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

(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.

(3) Where a federal or provincial election, or an election pursuant to this Act, has not been held but it is to be held on a day not less than six weeks prior to ordinary polling day, the lists prepared for use in that election may be used as provided in this Section. 2003, c. 9, s. 11.

30A (1) *repealed 2003, c. 9, s. 12.*

(1A) to **(6)** *repealed 2000, c. 9, s. 23.*

Provision of list of or permanent register of electors by Chief Electoral Officer

30B **(1)** to **(3)** *repealed 2003, c. 9, s. 13.*

(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.

(5) An agreement entered into pursuant to subsection (4) may contain provisions that require the return to the Chief Electoral Officer for the Province of the revisions made to the preliminary list of electors by the revising officer for the municipality or school board, as well as information respecting electors who were added to the final list of electors pursuant to this Act.

(6) The Chief Electoral Officer for the Province may transfer the information received pursuant to subsection (5) to the Chief Electoral Officer for Canada for the purpose of updating information in the National Register of Electors with respect to the Province. 2000, c. 9, s. 24; 2003, c. 9, s. 13; 2015, c. 47, s. 4.

Checking of index book and printing of preliminary list

31 **(1)** Upon receipt of the enumerators' index book the returning officer or registrar of voters shall

(a) satisfy himself that the provisions of this Act respecting enumeration have been complied with; and

(b) where the provisions have not been complied with, either

(i) correct any mistakes of a clerical nature on the index sheets and initial the same, or

(ii) have the enumerators who prepared the index sheets, or any other persons appointed by him as enumerators, re-enumerate all or any of the electors in the polling division, or otherwise comply with the provisions of this Act respecting enumeration.

(2) *repealed 2003 (2nd Sess.), c. 5, s. 5.*

(3) The returning officer, or registrar of voters if one has been appointed, shall arrange the names of the persons shown on the index sheets as corrected in alphabetical order according to surname or by civic address, if that has not been done by the enumerators, and shall transmit a copy of the preliminary list of

electors so prepared for each polling division to the printer. R.S., c. 300, s. 31; 1994, c. 26, s. 13; 2003, c. 9, s. 14; 2003 (2nd Sess.), c. 5, s. 5.

32 *repealed 2003 (2nd Sess.), c. 5, s. 6.*

Revising officer

33 **(1)** The returning officer shall appoint a revising officer for each polling district in the municipality to conduct the revision of the preliminary list of electors.

(2) The returning officer may appoint one revising officer to conduct the revision for more than one polling district, or for all polling districts.

(3) The registrar of voters may be appointed as a revising officer.

(4) Where the returning officer does not appoint a revising officer, he shall act as the revising officer. R.S., c. 300, s. 33.

Public notice of preparation of list

34 **(1)** After the preliminary lists of electors have been prepared, the returning officer or the registrar of voters shall give notice by at least two insertions in a newspaper circulating in the municipality that the preliminary lists of electors have been prepared.

(2) The notice shall set out the fact that the lists have been prepared, how a person can check if the person's name is on the list and how, when and where the revising officer will receive applications for amendments to the lists.

(3) It shall not be necessary to insert a separate notice with respect to the preliminary list of electors for each polling district or polling division provided the information required by subsection (2) is clearly set out with respect to each polling district or polling division.

(4) In addition to the notice referred to in subsection (1), the returning officer or the registrar of voters shall, if directed by the council, give additional notification that the preliminary lists of electors have been prepared by

(a) distributing flyers to households;

(b) mailing cards to voters;

(c) providing for advertisements, as directed by the council.

(5) *repealed 1994, c. 26, s. 14.*

R.S., c. 300, s. 34; 1994, c. 26, s. 14; 2003 (2nd Sess.), c. 5, s. 7; 2007, c. 46, s. 7.

Duties of revising officer

35 **(1)** The revising officer shall

(a) add to the list of electors the name of every person where the revising officer is satisfied that the person is entitled to be registered on the list;

(b) strike off the list of electors the name of every person proved not to be entitled to be registered;

(ba) strike a person's name from the list of electors where that person requests the revising officer to do so; and

(c) correct errors of name or address on the list of electors.

(2) No person shall be struck off the list of electors unless the applicant has given him notice of the application to strike off his name by personal service or by registered mail addressed to his last known mailing address, and either proof of service or proof of mailing is given to the revising officer, provided that where the person is present at the sitting of the revising officer, it shall not be necessary to prove that he was notified and his case shall be dealt with as if he had been properly notified whether he was or not and where the revising officer is satisfied that the person is dead, it is not necessary to provide notification to any person.

(3) Every revising officer shall dispose of all matters coming before him in a manner not inconsistent with this Act, and save as otherwise provided, may prescribe or confirm such procedure as to notice, evidence or otherwise as in his judgement is fair and reasonable, according to the circumstances, and in case any matter or thing respecting the revising of lists under this Act is not specifically provided for in this Act, the revising officer shall deal with the same on principles of equity and justice.

(4) A revising officer may require the attendance of a peace officer to keep order during the sittings. R.S., c. 300, s. 35; 1994, c. 26, s. 15.

Application for amendment of list of electors

36 **(1)** A person may apply for an amendment to the list of electors by telephone, in writing or in person.

(2) An application shall be sufficiently detailed to allow the revising officer to determine whether the information can be verified from other sources available to the revising officer and, if the revising officer determines that this is not possible, then the applicant shall be required to appear personally and make an application accompanied by a declaration under oath, administered by the revising officer, of the facts that support the application, and the application may be in the prescribed form or to like effect.

(3) Any person making a false statement in a declaration is guilty of an offence.

(4) Any person inducing or coercing a person to make a false statement in any declaration is guilty of a corrupt practice and is liable to a fine of not less than one thousand dollars nor more than ten thousand dollars, or to imprisonment for a term of not less than ninety days or more than twelve months, or to both. R.S., c. 300, s. 36; 1994, c. 26, s. 16.

Attendance of witness and correction of error

37 **(1)** A revising officer may require witnesses to attend before him to give evidence on behalf of any applicant, and failure to attend when so summoned shall be an offence against this Act.

(2) An error in the name and particulars of an elector appearing on a list of electors may be corrected by a revising officer at the sittings

(a) on the application of the elector or his agent; or

(b) by the revising officer on his own initiative,

and the revising officer shall enter the particulars of the correction in the record of revisions.

(3) Where the revising officer is made aware of the fact that one or more names on the list of electors for a polling district or polling division should properly be on the list of electors for another polling district or polling division, he may, on his own initiative, strike off the names of the electors on the first mentioned list of electors, enter them on the last mentioned list of electors and advise the returning officer or registrar of voters.

(4) The revising officer shall notify the elector of the particulars of a transfer made pursuant to subsection (3) by written notice sent by registered mail.

(5) The revising officer may strike the name of a person from a list of electors if the person applies in person during the sittings to have his own name struck off the list of electors. R.S., c. 300, s. 37.

Amended list

38 **(1)** On or before the date chosen by the council on the advice of the returning officer, the revising officers shall furnish the returning officer or registrar of voters with a list of electors consisting of the preliminary lists of electors together with the amendments that they have made to the lists as a result of their sittings.

(2) When the provisions of subsection (1) have been complied with, the returning officer shall

(a) amend the list of electors furnished by the revising officers by removing the birthdate information and amending and correcting the list of electors in accordance with the returning officer's powers and duties pursuant to subsection (3);

(b) transmit the list of electors as amended pursuant to clause (a) to the printer for printing; and

(c) retain a copy of the amended list of electors for each polling division.

(3) Upon being furnished with the list of electors and continuing until the day on which the revised list of electors is completed and certified, the returning officer may exercise the same powers and has the same duties as a revising officer and Sections 35 to 37 apply *mutatis mutandis* to the amendment and correction of the list of electors or the amended list of electors by the returning officer in the same manner as they apply to the amendment and correction of the preliminary lists of electors by a revising officer. R.S., c. 300, s. 38; 2003, c. 9, s. 16; 2003 (2nd Sess.), c. 5, s. 8; 2015, c. 47, s. 5.

39 to **41A** *repealed 2015, c. 47, s. 6.*

Advertisement for nominations

42 (1) The returning officer shall advertise that nominations for the offices for which an election is to be held may be filed on nomination day.

(2) The notice shall specify the date of nomination day, the address of the office of the returning officer and the times during which nominations may be filed as set out in this Act.

(3) The notice shall be inserted at least twice, not less than seven nor more than fourteen days apart, the second insertion to precede nomination day by at least seven days, in a newspaper circulating in the municipality, and shall also be posted in at least two public locations in each polling district. R.S., c. 300, s. 42.

Nominations

43 (1) Every candidate for the office of councillor shall be nominated by not less than five persons whose names appear on the amended list of electors and who are qualified to vote at the election of a councillor for the polling district.

(2) Every candidate for the office of mayor shall be nominated by not less than five persons whose names appear on the amended list of electors and who are qualified to vote at the election of the mayor.

(3) Every candidate for the office of school board member shall be nominated by not less than five persons whose names appear on the amended list of electors and who are qualified to vote at the election of the school board member. R.S., c. 300, s. 43; 2003, c. 9, s. 19; 2015, c. 47, s. 7.

Form and filing of nomination

44 (1) A nomination shall be in writing in prescribed form or to the like effect.

(2) A nomination shall be filed at the office of the returning officer between the hours of nine o'clock in the forenoon and five o'clock in the afternoon on the second Tuesday in September.

(3) No nomination shall be valid or shall be accepted by the returning officer unless it has been completed and is signed by the candidate.

(4) The returning officer shall not accept a nomination unless there is attached to the nomination paper a certificate in the prescribed form of the clerk, treasurer, collector or other official having knowledge of the facts that the charges that are liens on the person's property due by the person to the municipality and the taxes due by the person to the municipality have been fully paid or all instalments or interim payments that are due as of nomination day have been paid.

(4A) Subsection (4) does not apply with respect to a candidate for election to a school board.

(5) The returning officer shall not accept the nomination of a person who he knows is not qualified under this Act to be elected.

(6) The returning officer shall not accept a nomination unless it contains the consent and oath of the candidate or his official agent in prescribed form.

(7) Where a deposit is required, the returning officer shall not accept a nomination unless it is accompanied by the deposit of

(a) legal tender of Canada;

(b) a certified cheque or demand drawn on a chartered bank, trust company or credit union and payable to the municipality; or

(c) a postal money order or chartered bank draft payable to the municipality.

(8) The nomination paper may contain an appointment by the candidate of his official agent.

(9) Notwithstanding subsection (2), a nomination may be filed by appointment with the returning officer during the seven business days immediately preceding nomination day. R.S., c. 300, s. 44; 2000, c. 9, s. 27; 2003, c. 9, s. 20; 2007, c. 46, s. 10; 2019, c. 35, s. 3.

Naming and authority of agent

45 (1) A candidate who is absent from the municipality may, by letter, telegram, cable or other form of written communication, name an agent and authorize him to complete the nomination paper and the certificate attached thereto on his behalf.

(2) The agent shall cause the authorization to be filed with the returning officer before the nomination paper is filed. R.S., c. 300, s. 45; 1994, c. 26, s. 18.

Validity of nomination

46 A nomination is not invalid by reason only that

(a) a person who signed it has signed the nomination paper of another candidate;

(b) a person, who signed it, is not qualified to do so, provided five persons qualified have signed it; or

(c) the name and address of a person, as it appears on the nomination paper, differs from that appearing on the list of electors, when the returning officer is satisfied with his identity. R.S., c. 300, s. 46.

Nomination for one office

47 No candidate shall be nominated for more than one office of councillor or school board member in the same election. R.S., c. 300, s. 47.

Acceptance of nomination

48 (1) If the returning officer is satisfied that all requirements of this Act have been complied with, the returning officer shall sign the receipt on the nomination paper and transmit the deposit, if any, to the clerk and provide the candidate or his official agent with a copy of the amended list of electors entitled to vote for the office for which the candidate has been nominated.

(2) The signing of the receipt on the nomination paper by the returning officer shall be evidence that the candidate has been officially nominated.

(3) A returning officer shall not reject a nomination paper after he has signed the receipt on the nomination paper.

(4) Once signed by the returning officer, a nomination paper is open to inspection by the public, but shall not be photocopied or otherwise reproduced for members of the public. R.S., c. 300, s. 48; 2003, c. 9, s. 21; 2015, c. 47, s. 8.

Change of particulars

49 (1) Before four o'clock in the afternoon of the day after nomination day a candidate, or his official agent, may direct the returning officer in writing to change the particulars of the name and address of the candidate that appears in the nomination.

(2) Where the returning officer is satisfied that the particulars, as changed, correspond to those by which the candidate is known in the district, he shall attach the direction to the nomination paper and amend it accordingly. R.S., c. 300, s. 49.

Contributions to candidate or association

49A (1) In this Section and Section 49B,

(a) "agent" means the official agent of a candidate and includes the candidate if the candidate is acting as official agent and, in the case of an association, means the person appointed by the association to act as agent;

(b) "association" means an association of one or more people established to, a trust established for or a fund established to further the election of the candidate;

(c) "contributions" means services, money or other property donated to an association or a person to support the political purposes of an association or candidate, but does not include personal services or the use of a vehicle volunteered by a person and not provided as part of that person's work in the service of an employer;

(d) "spouse" means a person married to another person and, for the purpose of this Section, includes persons who, not being married to each other, live together as if they are spouses and have done so for at least one year.

(2) An association shall appoint an agent for the purpose of this Section and shall file the appointment with the clerk or the secretary of a school board.

(3) Contributions to a candidate or association shall be made only to the agent.

(4) All contributions to a candidate shall be deposited in a separate account and be dealt with separately from the candidate's personal funds.

(5) The agent shall record the full name and residential or business address, other than a post office box address unless that is the only address available, of each contributor together with the amount of the contribution.

(6) An agent shall not accept an anonymous contribution in any amount and, if any anonymous contribution cannot be returned to the contributor, it shall be remitted to the treasurer of the municipality or school board.

(7) No person shall contribute to any association or candidate funds not beneficially belonging to the person or funds that have been given or furnished to that person by another person for the purpose of contributing those funds unless the person to whom the funds beneficially belong is identified as the contributor or unless the person contributing the funds is the spouse of the person to whom the funds beneficially belong.

(8) Within sixty days after ordinary polling day in an election, every candidate and agent of an association shall file with the clerk of a municipality or the secretary of a school board a disclosure statement.

(8A) A disclosure statement must show the full name and residential or business address, other than a post office box unless that is the only address available, of each contributor whose contributions received during the period since the previous election exceed fifty dollars in total and the amount of the total contributions by that contributor.

(9) Where a trust or fund is established to further the goals of a candidate or association and the trust or fund is not controlled by an association or candidate, the names of contributors to the trust or fund shall be disclosed when a transfer is made from the trust or fund to either an association or candidate.

(10) Where a contribution or gift of goods or services is made to a candidate or association for the purpose of sale or auction, the value of the contribution is the dollar value at which those goods or services are sold or auctioned.

(11) A candidate who is not nominated is not required to file a disclosure statement.

(12) Subject to subsection (11), every candidate who fails to file a disclosure statement within sixty days after ordinary polling day, or who files a false disclosure statement, is guilty of an offence. 1998, c. 18, s. 568; 2003, c. 9, s. 22; 2015, c. 47, s. 9.

Right to examine statement

49B (1) Any person may examine a disclosure statement respecting contributions to a candidate.

(2) Disclosure statements shall be available for examination at any time during regular office hours.

(3) A person who examines a disclosure statement may obtain a copy of that statement upon payment of the reasonable cost of copying the statement.

(4) The disclosure statement shall be as nearly as may be in the form prescribed by the Minister. 1998, c. 18, s. 568.

Notice of poll

50 (1) As soon as may be after nomination day, the returning officer shall cause a notice to be published in a newspaper circulating in the municipality setting out

(a) the purpose of the election;

(b) the names of the candidates and the offices they seek;

(c) the names of the candidates who have been acclaimed and the offices to which they have been acclaimed;

(d) the date of election day and of advance polling day, and the hours of polling at each;

(e) the location of the various polling places; and

(f) a statement that the descriptions of each of the polling divisions in the municipality may be inspected at the municipal office during regular office hours.

(2) In addition to the notice referred to in subsection (1), the returning officer shall give notice

(a) by flyers distributed to households;

(b) by mailing cards to voters; or

(c) in any manner approved by council. R.S., c. 300, s. 50; 2007, c. 46, s. 11.

Revised list

50A (1) The revised list of electors shall be completed and certified pursuant to subsection (4) on and not before the day that is three days before the first advance polling day.

(2) Until the completion of the revised list, the returning officer shall amend and correct the amended list of electors in accordance with the returning officer's powers and duties pursuant to subsection (3) of Section 38.

(3) The revised list of electors for each polling division shall include a description of the polling division.

(4) The returning officer or registrar of voters shall stamp a certificate, to the effect that the revised list of electors is correct and as to the number of sheets in the list, on the facing sheet of the revised list of electors for each polling division and the list so certified shall be used by deputy returning officers in any election.

(5) The revised list of electors shall be the list of electors to be used at each polling station. 2015, c. 47, s. 10.

Division of revised list

50B (1) Where the revised list of electors for a polling division contains the names of more than seven hundred electors, the returning officer shall

(a) provide two or more polling stations for the polling division to allow, as nearly as possible, an equal number of electors, not exceeding one thousand, to vote at each polling station; and

(b) in the prescribed manner, divide the revised list of electors for the polling division into as many separate lists as required for the taking of the vote at each polling station.

(2) Notwithstanding subsection (1), where an election is only for the office of a member of a school board, the returning officer may consolidate some or all of the polling divisions in the polling district into one polling division. 2015, c. 47, s. 10; 2019, c. 35, s. 4.

Deposit

51 **(1)** Every nomination paper shall be accompanied by a deposit of two hundred dollars, provided that the council may by by-law specify that a lesser deposit, or no deposit, shall be required.

(2) *repealed 2003, c. 9, s. 23.*

(3) Upon the removal of all advertising material within seven days after ordinary polling day and the filing of an affidavit of the candidate in prescribed form confirming the removal, or to the like effect, with the clerk, and upon return of all copies of the amended lists of electors in the candidate's possession, including any electronic copies of the list provided to the candidate, or the deletion or destruction of any electronic copies, the clerk shall

(a) refund the deposit to a candidate who was elected or who polled at least half of the number of votes polled by the successful candidate; or

(b) refund half of the deposit to a candidate who polled less than half of the number of votes polled by the successful candidate.

(4) Where a candidate dies before the close of the poll, the clerk shall refund the whole of the deposit to the candidate's official agent or personal representative.

(5) Where no more than the number of candidates authorized to be elected are officially nominated and as a result no poll is granted, upon the filing of the affidavit referred to in subsection (3), the clerk shall refund the whole of the deposit to the candidate or his official agent.

(6) A candidate who fails to file an affidavit or to return all the candidate's copies of the list of electors within seven days after the date of the election shall forfeit the candidate's deposit refund.

(7) Every candidate who fails to remove all advertising material from public places after ordinary polling day and within seven days after notice is served upon him by the clerk by registered mail is guilty of an offence. R.S., c. 300, s. 51; 2003, c. 9, s. 23; 2007, c. 46, s. 12; 2015, c. 47, s. 11.

Deposit by school board candidate

52 **(1)** A candidate seeking election to a district school board in an electoral district located in more than one municipality shall be required to make only one deposit with his nomination paper.

(2) If the municipalities have determined different amounts for a candidate's deposit, the larger or largest amount determined by the municipalities shall be the amount of the deposit.

(3) Where the whole or part of the deposit made by a candidate is forfeited, the amount forfeited shall be divided equally between or among the municipalities. R.S., c. 300, s. 52.

Withdrawal of candidate

53 Before four o'clock in the afternoon of the day after nomination day, a candidate may appear in person or by his official agent before the returning officer and file with him a declaration signed by either of them that he withdraws as a candidate, whereupon he shall be deemed not to have been nominated and his deposit shall be forfeited. R.S., c. 300, s. 53.

Death of candidate

54 (1) If a candidate dies before the close of nominations on nomination day, he shall be deemed not to have been officially nominated.

(2) If a candidate dies between the close of nominations and the close of the poll, the returning officer shall

(a) revoke the grant of the poll; and

(b) fix the date of a new polling day, which shall be a Saturday not more than forty-five days and not less than thirty-six days from the date of the death of the candidate.

(3) After revoking the grant of the poll, the returning officer shall again proceed to call nominations for the election and

(a) a person, other than the candidate who died, nominated before the revocation of the grant of the poll, shall be deemed to have been duly nominated without having to be again nominated on the new nomination day; and

(b) the list of electors prepared for the election that was postponed shall be used at the postponed election, and the election shall be conducted as if it were a special election under this Act.

(4) Nomination day in an election held pursuant to this Section shall be the fourth Tuesday preceding ordinary polling day. R.S., c. 300, s. 54; 2003, c. 9, s. 24.

Right of entry to campaign

54A A candidate or candidate's representative may enter any apartment building or other multiple residence during reasonable hours for the purpose of lawfully campaigning. 2003, c. 9, s. 25.

Obstruction of lawful campaigning

54B It is an offence to obstruct a candidate or a candidate's representative in lawfully campaigning. 2003, c. 9, s. 25.

Display of election advertising by tenant

54C (1) No landlord or person acting on the landlord's behalf may prohibit a tenant from displaying election advertising posters on the premises leased by the tenant and no condominium corporation or any of its agents may prohibit the owner of a condominium unit from displaying election advertising posters on the premises of that person's unit.

(2) Notwithstanding subsection (1), a landlord, person, condominium corporation or agent referred to in that subsection may set reasonable conditions relating to the size or type of election advertising posters that may be displayed on the premises and may prohibit the display of election advertising posters in common areas of the building in which the premises are found. 2003, c. 9, s. 25.

Election by acclamation

55 Where only one candidate or only the number of candidates authorized by law to be elected to represent the polling district are officially nominated within the time fixed for that purpose, the returning officer shall so inform the clerk, who shall declare the candidate or candidates duly elected at the first meeting of the council after ordinary polling day or, in the case of a special election where holding a poll is no longer necessary, at the first meeting after being so informed. R.S., c. 300, s. 55; 2003, c. 9, s. 26.

Grant of poll

56 (1) When more candidates than the number required to be elected for the polling district are officially nominated, the returning officer shall grant a poll for the taking of the votes of the electors.

(2) The returning officer shall grant a poll for the determination of any matter that the council has directed him to put before the electors. R.S., c. 300, s. 56.

Hours of poll

57 (1) On ordinary polling day the poll shall be opened for the taking of votes at the hour of eight o'clock in the forenoon and be kept open until the hour of seven o'clock in the afternoon.

(2) Notwithstanding subsection (1), where voting at a polling station on an ordinary polling day is interrupted by an emergency and the returning officer is satisfied that a substantial number of electors will not be able to vote if the voting hours at the polling station are not extended, the returning officer shall

(a) extend the voting hours at the polling station for the period necessary to give the electors a reasonable opportunity to vote,

so long as the polling station does not close later than midnight on the same day; and

(b) give notice of the extended polling hours in such manner as the returning officer considers appropriate. R.S., c. 300, s. 57; 2019, c. 35, s. 5.

Mobile polling stations

57A (1) Notwithstanding Section 57, the returning officer may establish a mobile polling station to be located in a hospital, a ~~sanitorium~~ [sanatorium], a home for the aged, a licensed nursing home or an institution for the care and treatment of chronic diseases, including a polling division required to be established pursuant to subsection (4) of Section 9, for such period of time between eight o'clock in the forenoon and seven o'clock in the afternoon of ordinary polling day as the returning officer determines is necessary to give electors resident therein an opportunity to vote.

(2) A ballot box may be used for more than one mobile polling station.

(3) Notwithstanding subsection (2) of Section 82, an elector resident in an institution in which a mobile polling station is established, may vote at the mobile polling station.

(4) A deputy returning officer for a mobile polling division shall be issued an official list of electors for each polling division in which the mobile polling station is to be located.

(5) The mobile polling station is deemed to be closed at seven o'clock in the afternoon, at which time the deputy returning officer shall return with the ballot box to a location chosen by the returning officer to perform the duties imposed on the deputy returning officer by Sections 106 to 113. 1994, c. 26, s. 19.

Poll officials

58 (1) Not later than the eighth day before ordinary polling day, the returning officer shall appoint a deputy returning officer and a poll clerk for each polling station in the municipality.

(2) The returning officer may

(a) dismiss and replace a deputy returning officer or poll clerk for cause;

(b) either

(i) require a substitute deputy returning officer or poll clerk to act in the place of one who resigns, dies or becomes incapacitated, or

(ii) appoint a deputy returning officer or poll clerk in the place of one who resigns, dies or becomes incapacitated.

(3) When a deputy returning officer dies, becomes incapacitated or fails to act and another person has not been appointed in his stead, the poll clerk shall act as the deputy returning officer and appoint a poll clerk. R.S., c. 300, s. 58.

Oath

59 (1) The deputy returning officers and poll clerks shall before entering upon the duties of their offices subscribe to the oath in prescribed form in the poll book.

(2) Where a deputy returning officer votes at the polling place to which he has been appointed to act, the poll clerk may administer to him any of the oaths required by law to be taken by an elector who intends to vote. R.S., c. 300, s. 59.

Polling places

60 (1) The returning officer shall secure for each polling division in the municipality suitable premises for one or more polling stations

(a) within the polling division;

(b) if the returning officer is unable to secure suitable premises for a polling station within the polling division, then within an adjacent polling division; or

(c) if there is a central polling place in the municipality where the polling stations of some or all of the polling divisions in the municipality may be conveniently centralized, then within the centralized polling place.

(2) Where it is found unpractical to hold a poll in the place originally designated, then it shall be held in another polling station as near as practical to the original polling station, and thereupon the returning officer shall on polling day cause notices to be affixed at or near the polling station first designated stating the new location of the polling station. R.S., c. 300, s. 60.

Identification of polls

61 A polling station shall bear the number of the polling division, and when there is more than one polling station for a polling division, the number shall be followed by the initial letter of the surnames of the first and last electors on the list of electors for the polling station, such as Polling Station No. . . . . (A. to K.) or as the case may be. R.S., c. 300, s. 61.

Voting compartment

62 **(1)** A polling station shall be in premises with level access and shall contain an adequately lighted compartment where an elector may mark the elector's ballot paper in secrecy.

(2) Throughout the hours of polling, the compartment shall contain a suitable surface on which to mark the ballots and a pencil or pen. R.S., c. 300, s. 62; 2003, c. 9, s. 27.

63 *repealed 2003, c. 9, s. 28.*

Ballot box

64 **(1)** The returning officer shall obtain such number of ballot boxes as he considers are required for each polling station in the municipality.

(2) Ballot boxes shall be

(a) of uniform size and shape;

(b) made of a durable material;

(c) furnished with seals; and

(d) so constructed, with a slit or narrow opening on the top, so that the ballot papers may be deposited but the ballots cannot be withdrawn without unsealing the box.

(3) Where the returning officer fails to furnish ballot boxes to a deputy returning officer for a polling station, or a box which was furnished has been lost or destroyed, the deputy returning officer shall procure or cause to be made sufficient ballot boxes for the polling station. R.S., c. 300, s. 64.

Printing of ballot papers

65 If a poll is required, the returning officer shall cause to be printed ballot papers in sufficient quantity to supply all polling stations. R.S., c. 300, s. 65.

Form of ballot paper

66 **(1)** A ballot paper shall be in prescribed form and have on the front thereof

(a) at the top of the ballot the title "Election for Mayor" or "Election for Councillor" or "Election for School Board Member", as the case may be;

(b) immediately below the title the warning "vote for one candidate only" or "vote for not more than (the number of candidates to be elected) candidates", as the case may be; and

(c) following a substantial space, 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.

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

(3) On the back of each of the stub and the counterfoil shall be printed a serial number, which shall be the same on both.

(4) The ballot paper shall be printed with the title, warning and names of candidates and a small circular space immediately to the right of the name of each candidate, appearing in the colour of the paper.

(5) The returning officer may determine the form of the ballot paper, including the quality, weight, colour and size of the ballot paper. R.S., c. 300, s. 66; 1994, c. 26, s. 21; 2003 (2nd Sess.), c. 5, s. 11; 2015, c. 47, s. 12.

Other requirements of ballot paper

67 **(1)** All ballot papers shall, subject to subsection (2),

(a) be of the same description and as nearly alike as possible;

(b) have a counterfoil and a stub with lines of perforations between the ballot form and the counterfoil and between the counterfoil and the stub; and

(c) be bound in books containing twenty-five, fifty or one hundred ballot papers, according to the requirements of the polling stations.

(2) The returning officer shall ensure that the ballot for mayor, the ballot for councillor, the ballot for school board member and any other ballot required be of different colours of paper. R.S., c. 300, s. 67; 2007, c. 46, s. 13.

Ballot boxes and other materials at polling stations

68 **(1)** Not later than ten o'clock in the afternoon on the day before polling day, the returning officer shall furnish to each deputy returning officer for the polling station to which he has been appointed a ballot box with seals and, sealed in the ballot box,

(a) ballot papers for each office for which an election is to be held and each question to be voted on for at least ten per cent more than the number of electors on the revised list of electors of the polling station;

(b) a statement showing the number of ballot papers supplied with their serial numbers;

(c) pencils or pens to permit the electors to mark their ballot papers;

(d) at least two copies of directions to electors in prescribed form;

(e) a copy of this Act and of the instructions prescribed by him;

(f) a copy of the revised list of electors for use at the polling station;

(g) a poll book;

(h) a seal to seal each ballot box at the opening of the poll, a seal to seal each ballot box after the ballots are counted and one additional seal for each ballot box to be used at the polling station; and

(i) other materials and supplies authorized or furnished by him.

(2) The returning officer shall at the time referred to in subsection (1) supply such additional number of ballot boxes for the polling station as he considers are required, and shall record on the inside front cover of the poll book the number of ballot boxes supplied to the polling station.

(3) The format of the poll book shall be as prescribed.

(4) A deputy returning officer shall be responsible for the election materials and supplies received from the returning officer and shall prevent any person from having unlawful access to them.

(5) The use of each seal provided pursuant to subsection (1) shall be recorded on the inside front cover of the poll book, and the extra seal shall, if unused, be sealed in the ballot box after the ballots have been counted.

(6) Subject to Section 88, a ballot box shall not be removed from the polling station during the hours the poll is open and until the votes have been counted. R.S., c. 300, s. 68; 2015, c. 47, s. 13.

Persons permitted at open poll

69 (1) In addition to the deputy returning officer, poll clerk and an elector intending to vote thereat, only the following persons shall be permitted to be in the polling station while the poll remains open:

(a) the candidates;

(b) the returning officer;

(c) the assistant returning officer;

(d) one agent for each candidate upon delivering his appointment in prescribed form to the deputy returning officer and taking an oath in prescribed form in the poll book;

(e) the official agent of a candidate unless the official agent is the candidate;

(f) a peace officer if authorized by the returning officer or the deputy returning officer; and

(g) any person necessarily present in order to comply with any other Section of this Act.

(2) The returning officer may prescribe and supply a badge or other form of identification for all election officers and agents entitled to be in a polling station, but no such badge or other form of identification shall indicate for which candidate a person is acting as agent. R.S., c. 300, s. 69; 1994, c. 26, s. 22; 2003, c. 9, s. 29.

Official agent

70 (1) A candidate shall, on becoming a candidate, file with the clerk or the secretary of a school board an appointment of official agent or a declaration that the candidate will personally act as the official agent.

(1A) An appointment of official agent filed pursuant to this Section must be accompanied by an oath of office in the prescribed form sworn by the official agent.

(2) A candidate who has filed a declaration that the candidate will personally act as the official agent may subsequently appoint an official agent at any time before close of nominations.

(2A) A candidate, at any time before ordinary polling day, by writing delivered to the returning officer, may dismiss the candidate's official agent and appoint another.

(3) A candidate who has not filed an appointment of official agent is deemed to be personally acting as the official agent. 1998, c. 18, s. 568; 2007, c. 46, s. 14; 2011, c. 68, s. 8.

Agents at polling stations

71 (1) A candidate officially nominated or his official agent may appoint by prescribed form one or more agents to represent the candidate at each polling station.

(2) An agent may absent himself from and return to a polling station from time to time while the polling station is open.

(3) Only one agent for each candidate shall be entitled to remain in the polling station at any one time while the polling station is open.

(4) Upon exhibiting the appointment to the deputy returning officer and without taking an oath, the official agent, other than a candidate acting

as official agent, may represent a candidate in any polling station in the same manner as, and in addition to, an agent. R.S., c. 300, s. 71; 2003, c. 9, s. 30.

Candidate as own agent

72 A candidate may act as official agent. 2003, c. 9, s. 31.

Transfer certificate

73 **(1)** Not later than five o'clock in the evening on the Wednesday before ordinary polling day, a returning officer or an assistant returning officer shall, upon the production of a duly completed declaration in prescribed form, issue a transfer certificate in prescribed form to any of the following persons whose name appears on the list of electors for a polling division in the municipality and who has not voted at the advance poll for the polling division:

(a) a candidate;

(b) an agent appointed by a candidate to act in a polling station other than where his name appears on the list of electors who produces a duly completed appointment and declaration in prescribed form;

(c) a deputy returning officer or poll clerk who has been appointed to act at a polling station other than where his name appears on the list of electors; or

(d) *repealed 1994, c. 26, s. 23.*

(e) an elector with a physical disability which prevents him from voting at a polling station where his name appears on the list of electors.

(2) A transfer certificate issued pursuant to subsection (1) shall permit the elector to vote

(a) at another polling station within the polling district; or

(b) at the polling station in another polling district within the municipality.

(3) In the case of a transfer certificate issued pursuant to clause (b) of subsection (2), the transfer certificate shall permit the elector to vote for only those offices or matters for which he could have voted at the polling station where his name appears on the list of electors. R.S., c. 300, s. 73; 1994, c. 26, s. 23; 2011, c. 68, s. 9.

Duties upon issuance of transfer certificate

74 A returning officer or assistant returning officer who issues a transfer certificate shall

(a) complete the certificate in triplicate;

(b) consecutively number each certificate in the order of its issue;

(c) deliver the original certificate to the elector;

(d) transmit a copy of the certificate to the deputy returning officer of the polling station where the name of the person to whom the certificate has been issued appears on the list of electors; and

(e) keep a copy of the certificate in his headquarters where it shall be kept available for public inspection at all reasonable times. R.S., c. 300, s. 74; 1994, c. 26, s. 24.

Right to vote by proxy

75 Subject to Section 76, an elector may vote by a proxy voter if the elector is on the list of electors and will be unable to vote at a polling station because of illness, physical disability or absence from the municipality. 1994, c. 26, s. 25.

Issue of proxy paper

76 (1) Between the day after nomination day and five o'clock on the afternoon of Friday the eighth day before ordinary polling day, the returning officer shall issue a proxy paper in prescribed form upon

(a) the elector or proxy voter delivering in person the application for a proxy vote, duly completed, to the returning officer;

(b) the returning officer being satisfied that the elector is within a class of electors described in Section 75;

(c) the returning officer being satisfied that

(i) the elector and proxy voter are each on the amended list of electors,

(ii) *repealed 2003, c. 9, s. 32.*

or

(iii) where the elector's polling division is a home for the aged approved or a nursing home licensed under the *Homes for Special Care Act*, the proxy voter is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the elector and is of voting age; and

(d) the returning officer being satisfied that

(i) a proxy paper has not been issued by him to another person to act as proxy voter for the elector, and

(ii) the proxy voter has not been previously appointed a proxy for any other elector, other than for an elector who is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the proxy voter.

(2) The application shall be in prescribed form, and shall show

(a) the name of the elector;

(b) the elector's number on the list of electors;

(c) the reason for applying for a proxy vote, which shall be because of

(i) absence from the municipality on the advance polling days and the ordinary polling day, or

(ii) inability to attend at the polling station because of illness or physical disability;

and

(d) the name of the person who is to act as proxy voter for the elector, the number of the proxy voter on the voter's list, where applicable, and the relationship of the elector to the proxy voter, where applicable. R.S., c. 300, s. 76; 1994, c. 26, s. 26; 2003, c. 9, s. 32; 2015, c. 47, s. 14.

Delivery and inspection of proxy paper

77 A returning officer shall complete each proxy paper in triplicate and

(a) deliver the original to the elector, or proxy voter, who appears before him;

(b) retain a copy together with the application for proxy vote, referred to in clause (a) of subsection (1) of Section 76, where they shall be available for public inspection at all reasonable times until five o'clock in the evening on the third day before ordinary polling day; and

(c) transmit a copy to the deputy returning officer of the polling station where the name of the elector appears on the list of electors. R.S., c. 300, s. 77; 1994, c. 26, s. 27.

Where discrepancy with list of electors

78 Subject to Section 76, where a list of electors contains a name and address which corresponds so closely to the name and address of the elector appointing a proxy voter or the proxy voter, that the returning officer is satisfied that the entry is intended to refer to the elector or proxy voter, the returning officer shall issue the proxy paper with the particulars in it conforming to the entries on the list of electors. R.S., c. 300, s. 78.

Appointment of new proxy voter

79 An elector may return a proxy paper to the returning officer for cancellation no later than five o'clock in the afternoon of Friday the eighth day before ordinary polling day, and, subject to Section 76, if a proxy paper is returned to the returning officer for cancellation, the elector may appoint another elector to act as his proxy voter, and the returning officer shall issue another proxy paper. R.S., c. 300, s. 79; 1994, c. 26, s. 28.

Offences respecting proxy

80 A person who

(a) knowing that he is not qualified to vote by proxy, has or attempts to have a proxy paper issued;

(b) knowing that the person who appointed him a proxy voter is not qualified to vote by proxy, has or attempts to have a proxy paper issued to him as a proxy voter for such person;

(c) *repealed 1994, c. 26, s. 29.*

(d) knowingly makes a false statement in the application for a proxy vote;

(e) *repealed 1994, c. 26, s. 29.*

(f) votes as proxy voter on behalf of another, knowing that the elector is deceased; or

(g) votes as proxy voter on behalf of another where he is not the proxy voter named in the proxy paper,

is guilty of an offence. R.S., c. 300, s. 80; 1994, c. 26, s. 29.

Duties before opening of poll

81 (1) During the fifteen minutes prior to the opening of a polling station, the deputy returning officer in full view of the poll clerk, candidates and agents who are present shall

(a) cause the directions to electors referred to in subsection (1) of Section 68 to be posted in a conspicuous place outside of and near to the polling station, and in a conspicuous place in the voting compartment of the polling station;

(b) count the ballot papers and permit any candidate or agent who is present to inspect and count them; and

(c) open the ballot box, ascertain that it is empty, seal it, and place it on a table in full view of all present, where it shall remain sealed until the close of the poll.

(2) During the fifteen minutes prior to the opening of a polling station, or so soon thereafter as is practicable, and in the presence of the poll clerk, candidates or agents who are present, the deputy returning officer shall affix uniformly his initials, either entirely with ink of one colour or entirely with black lead pencil, in the space provided for that purpose on the back of the ballot papers without taking them from the bound or stitched books. R.S., c. 300, s. 81; 2003 (2nd Sess.), c. 5, s. 12.

Voting

82 (1) An elector may vote once for mayor, once for councillor, once for each school board member to be elected for which the elector is qualified to vote and once on each other matter for which a poll has been granted.

(2) Unless he has been issued a transfer certificate, an elector may vote only at the polling station for the polling division in which he resides on ordinary polling day.

(3) An elector may not vote at more than one polling station in a municipality on ordinary polling day. R.S., c. 300, s. 82; 2003, c. 9, s. 33; 2003 (2nd Sess.), c. 5, s. 13.

Duties of deputy returning officer at poll

83 **(1)** At the hour fixed for opening a polling station and during polling hours the deputy returning officer shall

(a) admit into the polling station each elector who has not already voted at the polling station and see that he is not impeded or otherwise interfered with;

(b) have the elector who is before him declare his name and address;

(c) if the elector is qualified to vote, have the poll clerk enter the name and address of the elector in the poll book;

(d) draw a line through the name of the elector on the official list of electors;

(e) detach the ballot papers from the bound or stitched stubs;

(f) fold each ballot paper so that, when folded, his initials can be seen without unfolding it;

(g) direct the elector to return the ballot papers, when marked, folded as shown with the counterfoil attached; and

(h) subject to subsection (2), deliver the ballot papers to the elector.

(2) If required by the deputy returning officer, poll clerk or agent representing a candidate present at the polling station, an elector shall, before receiving the ballot papers, take an oath in prescribed form before the deputy returning officer, and a check mark shall be placed under the words “sworn or affirmed” opposite the name of the elector in the poll book.

(3) If the elector refuses to take the oath he shall not be permitted to vote and erasing lines shall be drawn through his name on the official list of electors and in the poll book and a check mark shall be placed under the words “refused to swear or affirm” in the poll book.

(4) An elector who refuses to take the oath referred to in subsection (2) shall not receive a ballot paper, or be permitted to vote or be again admitted to the polling station.

(5) Any deputy returning officer who receives the vote of an elector who, upon being requested to do so, refuses to take the oath referred to in subsection (2) is guilty of an offence. R.S., c. 300, s. 83; 2003 (2nd Sess.), c. 5, s. 14; 2007, c. 46, s. 15; 2011, c. 68, s. 10.

Explanation of method of voting

84 A deputy returning officer may explain the proper method of voting to an elector, and shall do so if the elector so requests. R.S., c. 300, s. 84.

Marking and deposit of ballot paper

85 **(1)** An elector, on receiving ballot papers, shall

(a) proceed into the voting compartment and there mark each ballot paper by marking a cross, an "X", a check mark or a line, with a pencil or pen within the small circular space on the ballot in which the colour of the paper appears at the right of and opposite the name of the candidate, or candidates if more than one are to be elected, for whom he intends to vote;

(b) refold the ballot paper in the same manner as he received it so that the initials and the printed serial number on the counterfoil can be seen without unfolding it; and

(c) return and hand the ballot papers so folded to the deputy returning officer.

(2) The deputy returning officer shall, for each ballot paper delivered to the voter, without unfolding it, ascertain by examination of the initials and the serial number that it is the same ballot paper as that delivered to the voter, and if it is the deputy returning officer shall, in full view of the voter and all others entitled to be present in the polling place, remove the counterfoil therefrom and destroy it, and

(a) return the ballot paper to the voter to deposit in the ballot box; or

(b) in full view of the voter and all others present, deposit the ballot paper in the ballot box,~~;~~

whereupon the voter shall leave the polling place.

(3) A deputy returning officer shall not inquire or see for whom the elector intends to vote. R.S., c. 300, s. 85; 2011, c. 68, s. 11; 2015, c. 47, s. 15.

Elector with physical disability

86 **(1)** Where an elector is unable to vote in the manner prescribed by Section 85 because he is blind, unable to read or has a physical disability that prevents the elector from marking the ballot, the elector may vote by a friend and the deputy returning officer shall

(a) require the elector to take an oath in prescribed form that he is incapable of voting without assistance;

(b) require the friend of the elector to take an oath in prescribed form that 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, husband or wife of the friend of the elector, that he will mark the ballot as requested by the elector and will keep secret the choice of the elector; and

(c) permit the friend of the elector to accompany the elector into the voting compartment and mark the elector's ballot.

(2) Where the elector requests assistance, the deputy returning officer may act as the friend of the elector but shall not be required to take the oath referred to in clause (b) of subsection (1).

(3) Where an elector has his ballot marked by a friend pursuant to this Section, the poll clerk shall enter in the poll book opposite the elector's name

(a) the reason why the ballot was so marked;

(b) the name of the person who marked the ballot; and

(c) the fact that the oaths were taken.

(4) Except as provided in this Section, no person shall be permitted to enter the voting compartment while an elector is in the act of marking his ballot.

(5) A candidate may not act as a friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, husband or wife of the candidate. R.S., c. 300, s. 86; 1994, c. 26, s. 30; 2003, c. 9, s. 34.

Interpreter

87 **(1)** Where a deputy returning officer does not understand the language spoken by an elector and is satisfied that the elector does not understand the procedure that he must follow to cast his vote, the deputy returning officer shall, if possible, obtain an interpreter who, after taking the oath in prescribed form in the poll book, shall be the means of communication between the deputy returning officer and the elector with reference to all matters required to enable the elector to vote.

(2) The elector shall not be allowed to vote until an interpreter is obtained. R.S., c. 300, s. 87.

Inability of patient to go to polling station

88 Where a polling station has been established in a hospital, a sanatorium, a home for the aged, a licensed nursing home or an institution for the care and

treatment of chronic diseases, the deputy returning officer and poll clerk, while the polling station is open, may

(a) suspend temporarily the voting in the polling station;

(b) post a notice in the polling station setting out the time at which voting will be resumed; and

(c) accompanied by an officer of the institution, and not more than one agent of each candidate, if any, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in the institution and take the votes of patients unable to present themselves at the polling station who are qualified to vote in the polling station. R.S., c. 300, s. 88; 1994, c. 26, s. 31.

Cancelled ballot paper

89 Where an elector has inadvertently dealt with a ballot paper so that it should not be used,

(a) the elector shall return it to the deputy returning officer; and

(b) the deputy returning officer shall

(i) without showing it to any other person, write the word "cancelled" upon the back of it and place it in an envelope, and

(ii) deliver another ballot paper to the elector. R.S., c. 300, s. 89.

Declining to vote

90 An elector who received a ballot paper and declines to vote shall return the ballot paper to the deputy returning officer, who without showing it to any person shall mark "cancelled" upon the back of it and place it in an envelope, and the elector shall not be given another ballot paper. R.S., c. 300, s. 90.

No removal of ballot

91 (1) No person who receives a ballot paper from the deputy returning officer shall take the ballot paper out of the polling place.

(2) Any person who takes a ballot paper out of the polling place contrary to subsection (1) is guilty of an offence and shall forfeit his right to vote.

(3) If a ballot paper is taken out of the polling place contrary to subsection (1) or if an elector declines to vote, the deputy returning officer shall make a note of the facts in the column of the poll book entitled "remarks" opposite the name of the elector. R.S., c. 300, s. 91.

Error in particulars on revised list

92 (1) Where an elector applies for a ballot paper in a name and address which corresponds so closely with a name and address on the revised list of electors so as to make it appear probable to the deputy returning officer that the

entry in the revised list was intended to refer to him, the elector may receive a ballot paper and vote

(a) if he takes an oath in prescribed form in the poll book; and

(b) if required by the deputy returning officer, the poll clerk or an agent representing a candidate who is present takes the oath in prescribed form in the poll book.

(2) The poll clerk shall enter in the poll book

(a) the correct name and address of the elector;

(b) the taking of the oath referred to in clause (a) of subsection (1); and

(c) if required, the taking of the oath referred to in clause (b) of subsection (1). R.S., c. 300, s. 92; 2003 (2nd Sess.), c. 5, s. 15; 2007, c. 46, s. 16; 2015, c. 47, s. 16.

Personated elector

93 **(1)** An elector who applies for a ballot paper after another person has voted as such elector may receive a ballot paper and vote

(a) if he produces evidence of identification and residence satisfactory to the deputy returning officer in the presence of those candidates or agents representing candidates as are present in the polling station;

(b) if he takes the oath in prescribed form in the poll book; and

(c) if required by the deputy returning officer, the poll clerk or an agent representing a candidate who is present, takes the oath in prescribed form in the poll book.

(2) The poll clerk shall enter in the poll book, opposite the name of the elector, that he

(a) voted on a second ballot paper issued under the same name;

(b) took the oath referred to in clause (b) of subsection (1); and

(c) if required, took the oath referred to in clause (c) of subsection (1). R.S., c. 300, s. 93; 2003 (2nd Sess.), c. 5, s. 16; 2007, c. 46, s. 17.

Other entries in poll book

94 A poll clerk shall enter on the record of poll in prescribed form in the poll book

(a) the name and address and the number on the revised list of electors of each elector who applies to vote, with a consecutive number being prefixed to the elector's name in the appropriate column of the poll book;

(b) a check mark under the words "voted for mayor", "voted for councillor", "voted for school board" and "voted for other" where a poll has been granted and opposite the name of the voter, as soon as the ballots are deposited in the ballot box;

(c) a check mark under the words "sworn or affirmed" and opposite the name of an elector to whom an oath is administered, with a note indicating the nature of the oath;

(d) a check mark under the words "refused to swear or affirm" and opposite the name of an elector who refuses to take an oath when he is legally required to do so;

(e) a check mark under the word "transfer" and the certificate number opposite the name of an elector who votes under a transfer certificate;

(f) a check mark under the word "added" and opposite the name of an elector who has been added to the list of electors pursuant to Section 98; and

(g) any other entries which the deputy returning officer may direct or are required by this Act. R.S., c. 300, s. 94; 2003, c. 9, s. 35; 2003 (2nd Sess.), c. 5, s. 17; 2015, c. 47, s. 17.

Sealing of ballot box

95 (1) If at any time during the conduct of the poll the deputy returning officer deems it necessary to use an additional ballot box, the deputy returning officer shall seal the opening in the top of the ballot box then being used with a paper seal which bears the initials of the deputy returning officer, poll clerk and such of the candidates and agents who are present and choose to affix their initials.

(2) The ballot box so sealed shall remain in full view of the deputy returning officer, poll clerk and candidates and agents who are present until the ballots are counted.

(3) The deputy returning officer shall, in full view of the poll clerk, candidates and agents who are present, open the additional ballot box, ascertain that it is empty, seal it and place it on a table in full view of all present, where it shall remain sealed until the close of the poll. R.S., c. 300, s. 95; 2003 (2nd Sess.), c. 5, s. 18.

Voting at closing hour of poll

96 At the hour for the closing of the polling station, a deputy returning officer shall

(a) cause the name of all electors, then in or actually present at and awaiting admission to the polling station, to be listed; and

(b) keep the polling station open a sufficient time to enable the electors to vote,

but no elector, other than those whose names are so listed, shall be permitted to vote after the closing hour. R.S., c. 300, s. 96.

Who may vote

97 Subject to Section 100, a person may vote at a polling station on ordinary polling day, if

(a) his name is on the revised list of electors used at the polling station;

(b) his name is not on the revised list of electors used at the polling station, but he complies with Section 98;

(c) he delivers to the deputy returning officer of the polling station the original transfer certificate authorizing him to vote at that polling station; or

(d) he delivers to the deputy returning officer of the polling station where his name is on the revised list of electors the original transfer certificate. R.S., c. 300, s. 97; 2015, c. 47, s. 18.

Elector not on revised list

98 (1) A person whose name is not on the revised list of electors used at a polling station may vote at the polling station on ordinary polling day if he swears to and signs an oath in prescribed form in the poll book.

(2) *repealed 2015, c. 47, s. 19*.

(3) The deputy returning officer shall thereupon place the person's name in the poll book and, with that person's consent, upon the revised list of electors and permit that person to vote.

(4) The poll clerk shall record any objection to the receipt of the ballot raised by any agent or elector representing a candidate in the poll book. R.S., c. 300, s. 98; 1994, c. 26, s. 32; 2000, c. 9, s. 28; 2007, c. 46, s. 18; 2015, c. 47, s. 19.

Procedure for proxy voter

99 (1) An elector may vote by proxy on ordinary polling day if his proxy voter

(a) appears before the deputy returning officer of the polling station where the name of the elector appears on the official list of electors;

(b) delivers to the deputy returning officer the proxy paper in prescribed form, issued by the returning officer pursuant to Section 76; and

(c) swears to and signs the affidavit of proxy voter in prescribed form in the poll book,

whereupon the deputy returning officer shall issue a ballot paper to the proxy voter who shall vote in the name of the elector.

(2) The poll clerk shall enter in the poll book opposite the name of the elector, a check mark under the words "by proxy".

(3) An elector who has received a proxy paper cannot vote other than through that elector's proxy voter. R.S., c. 300, s. 99; 1994, c. 26, s. 33.

Disqualification of voter

100 A person may not vote at a polling station on ordinary polling day if

(a) he refuses to take the oath referred to in subsection (2) of Section 83, clause (b) of subsection (1) of Section 92 or clause (c) of subsection (1) of Section 93 in the poll book upon being requested to do so;

(b) the deputy returning officer has received the list of persons who voted at the advanced polling station, referred to in Section 117, from the returning officer certifying that the elector has voted at the advance poll;

(c) subject to clause (d) of Section 97, the deputy returning officer has received the transfer certificate referred to in Section 73 from the returning officer certifying that the elector has received a transfer certificate entitling him to vote at another polling station; or

(d) he fails to comply with Section 97. R.S., c. 300, s. 100.

Secrecy

101 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, and shall not at any time communicate or attempt to communicate any information obtained at such polling station or counting as to the candidate for whom an elector voted. R.S., c. 300, s. 101.

Prohibited activity respecting vote

102 **(1)** A person is guilty of an offence who, directly or indirectly,

(a) at or about a polling station, interferes or attempts to interfere with an elector when marking a ballot paper, or otherwise attempts to ascertain the name of the candidate for whom an elector is about to vote or has voted;

(b) communicates information about the manner in which a ballot paper has been marked in his presence in a polling station;

(c) induces or endeavours to induce a voter to show his ballot paper so as to make known the name of the candidate for or against whom he has cast his vote; or

(d) communicates information obtained in a polling station as to the candidate for whom an elector at the polling station is about to vote or has voted.

(2) A person is guilty of an offence who, except for the purpose of permitting an elector to vote,

(a) openly declares in a polling station for whom he intends to vote or has voted; or

(b) shows his ballot paper to permit the name of the candidate, for whom he has voted, to be known. R.S., c. 300, s. 102.

Disclosure in a proceeding unnecessary

103 No person shall in any proceedings be required to state for whom he has voted in an election. R.S., c. 300, s. 103.

Order to inspect used ballot paper

104 (1) No person shall be allowed to inspect any used ballot papers in the custody of the clerk or an election officer except under order of a judge, which may be granted upon satisfactory evidence on oath that the inspection or production of the ballot paper is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of taking proceedings under this Act to contest an election or return or to conduct a recount.

(2) The order shall state the time and place for inspection of such papers and shall name the persons to be present at such inspection, and shall be made subject to such conditions as the judge thinks expedient. R.S., c. 300, s. 104.

Authority of election officers

105 Every returning officer and deputy returning officer, during the hours a polling station is open or while the votes are being counted,

(a) shall have all the rights, privileges and immunities of a constable;

(b) may order a constable or any person present to aid him in maintaining peace and good order at an election;

(c) may arrest, or cause to be arrested by verbal order to a constable or peace officer, any person disturbing the peace and good order at the election or disobeying an order of the returning officer or deputy returning officer and may cause such person to be imprisoned in a jail or lock-up or a convenient place in the polling district until any time not later than one hour after the time fixed for the closing of the poll;

(d) may order from the polling place a person who is in an intoxicated condition, who disturbs the peace and good order at the election or who obstructs the voting, and such a person when once removed shall not again be permitted to enter the polling place;

(e) may order from the polling place anyone who is not entitled to be in the polling place;

(f) may order from the polling place or any area that is within two hundred feet of the polling place anyone who is loitering or soliciting votes in the polling place or any area that is within two hundred feet of the polling place. R.S., c. 300, s. 105; 1994, c. 26, s. 34.

Record of poll

106 At the close of the poll, and in the presence of the poll clerk, candidates and agents who are present, the deputy returning officer shall, in the order set forth below,

(a) complete the record of poll, referred to in Section 94, in the poll book by

(i) counting the number of voters recorded thereon as having voted, and

(ii) by writing after the last entry: "The number of electors who voted at this election in this polling station is (state the number)" and signing it;

(b) open the envelope containing the cancelled ballot papers and

(i) count them,

(ii) mark the number on the front of the envelope, and

(iii) return them to the envelope and seal and initial it;

(c) count the unused ballot papers undetached from the books of ballot papers and

(i) mark the number on the front of an envelope, and

(ii) place them, together with the stubs of all used ballot papers, in the envelope and seal and initial it; and

(d) complete entries respecting number of blanks ballots received from returning officer, number of ballots from advance poll and total ballots to be accounted for on a statement of poll in prescribed form in the poll book for each matter for which a poll has been granted. R.S., c. 300, s. 106; 2003, c. 9, s. 36.

Separation and count of ballots

107 (1) After completing the first three entries on each statement of poll, the deputy returning officer shall, in the presence and in full view of the poll clerk, candidates and agents who are present, open all ballot boxes used at the polling station and proceed to separate the ballots according to the matter for which a poll was granted.

(2) The deputy returning officer shall then, in the presence and in full view of the poll clerk, candidates and agents who are present, proceed to count the votes by

(a) giving a tally sheet in prescribed form in the poll book to the poll clerk and to those other persons present at the poll who so request;

(b) after each person present is given full opportunity to examine a ballot, decide whether the ballot should be rejected or counted; and

(c) if the ballot is to be counted, call out the vote and have it entered on the tally sheets.

(3) The ballots for the election of a mayor, if any, shall be counted first, followed by the ballots for councillor, followed by the ballots for school board members, and followed by such other ballots as may be in use in the order prescribed by the returning officer, and no ballots shall be counted until the preceding ballots have been counted and the statement of poll has been completed in respect of them.

(4) The candidates and agents present may be present for the count at only one polling station and may not move from polling station to polling station. R.S., c. 300, s. 107; 2003, c. 9, s. 37.

Rejection of ballot

108 In counting the votes, the deputy returning officer shall reject all ballots

(a) that have not been supplied by him;

(b) that have not been marked for any candidate;

(c) on which votes have been given for more candidates than are to be elected;

(d) that have not been marked with a cross, an "X", a check mark or a line made with a pencil or pen;

(e) that have not been marked within the circular space on the ballot paper at the right of the name of a candidate;

(f) that have been so marked to render it uncertain for which candidate or candidates the voter has voted; or

(g) upon which there is any writing or mark by which the voter can be identified, or that has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified,

but no ballot shall be rejected only by reason of any word, letter or mark written or made or omitted to be written or made on it by the deputy returning officer or only by reason that the cross, the "X", the check mark or the line is partially outside the

circular space, where there is no uncertainty for which candidate or candidates the voter has voted. R.S., c. 300, s. 108; 1994, c. 26, s. 35; 2007, c. 46, s. 19; 2011, c. 68, s. 12.

Objections

109 (1) If, during the counting of the votes, a candidate or his agent objects to any ballot found in the ballot box or to the rejection of any ballot by the deputy returning officer, the deputy returning officer shall take a note of the objection and shall decide any question arising out of the objection.

(2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot and initialed by the deputy returning officer.

(3) Where a ballot is rejected, the deputy returning officer shall endorse on the back of the ballot "rejected" and shall initial the endorsement.

(4) Where a ballot is rejected and any objection is made to the decision, the deputy returning officer shall further endorse the ballot "rejection objected to" and shall initial the endorsement. R.S., c. 300, s. 109.

Irregular ballot

110 When, in the course of counting the ballots, a ballot is found with the counterfoil attached or without the initials of the deputy returning officer affixed thereto, a deputy returning officer shall, in the presence of any person present in the polling station,

(a) after carefully concealing the number on the counterfoil and without examining it himself, remove and destroy the counterfoil; or

(b) where he is satisfied that the ballot is one that was supplied by him, affix his initials to the ballot and count the vote on the ballot unless he determines that it should be rejected for another reason. R.S., c. 300, s. 110.

Statement of poll and sealing of ballot box

111 (1) After counting the votes a deputy returning officer shall complete the statement of poll in prescribed form in the poll book for each matter for which a poll was granted in a sufficient number of copies for the purposes of this Section, sign them and have the poll clerk and such of the persons present who desire to do so sign them.

(2) The deputy returning officer shall then, in the case of each matter for which a poll was granted,

(a) where the ballots are to be marked for only one candidate or matter, place the ballots in separate envelopes for each candidate or matter;

(b) where the ballots are to be marked for more than one candidate or matter, place the ballots in one envelope;

(c) place all rejected ballots in a separate envelope; and

(d) write on each envelope the contents and number of ballots enclosed and the serial number of the seal used to seal the ballot box and sign and seal the envelopes and instruct the poll clerk and such of the persons present who desire to do so to sign the envelopes across the flap of the envelope in such a way that the envelopes cannot be opened without disturbing the signatures.

(3) The deputy returning officer shall thereupon place all the envelopes containing the ballots that have been counted, the ballots that have been rejected, the unused ballot papers, the cancelled ballot papers, the list of electors, the list of objections and any other documents used at the poll except the poll book in the ballot box and shall seal the ballot box and seal the narrow opening on the top of the ballot box.

(4) The deputy returning officer shall deliver a copy of the statement of poll to each candidate or agent representing a candidate who is present and requests it, and shall leave one copy in the poll book. R.S., c. 300, s. 111; 2003 (2nd Sess.), c. 5, s. 19.

Return of ballot box and poll book

112 (1) After counting the votes and sealing the ballot box the deputy returning officer shall forthwith deliver the ballot box and the poll book to the returning officer.

(2) If, owing to illness or other cause, the deputy returning officer is unable to deliver the box and poll book to the returning officer, he shall instruct the poll clerk to do so, and the poll clerk shall deliver them to the returning officer. R.S., c. 300, s. 112.

Poll book inadvertently in ballot box

113 If the deputy returning officer or poll clerk inadvertently seals the poll book or the statement of poll in the ballot box, the box may be opened in the presence of the returning officer, the poll book or the statement of poll may be removed and the box shall be resealed forthwith. R.S., c. 300, s. 113.

Advance poll

114 (1) The returning officer shall establish an advance poll or polls at a convenient place or places within the municipality in premises which permit convenient access thereto by an elector with a physical disability.

(1A) Notwithstanding Section 60, a returning officer may provide polling stations for an advance poll established under subsection (1) at one or more of the following polling places:

(a) within the polling division;

(b) where the returning officer is unable to secure suitable premises for a polling station within the polling division, within an adjacent polling division; and

(c) within a centralized polling place.

(1B) Notwithstanding that the poll is not in the polling division in which an elector is ordinarily resident, the elector may vote at a polling place established under clause (1A)(c) if the elector is identified as one of the electors permitted to cast ballots at the advance poll identified in the notice required under subsection (7).

(1C) An elector may not vote at more than one polling station on advance polling day.

(2) The returning officer may act as deputy returning officer at an advance polling station, in which case there is no need to take the oath referred to in subsection (2) of Section 8, and the assistant returning officer may act as poll clerk.

(3) Any elector who expects to be unable to vote on ordinary polling day may vote at an advance poll.

(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.

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

(5) On advance polling day the poll shall be opened for the taking of votes at the hour of twelve o'clock noon and be kept open until the hour of eight o'clock in the afternoon.

(6) The returning officer shall cause notice of the advance polls to be published in a newspaper circulating in the municipality before the first advance poll day.

(7) The notice of the advance polls shall set out

(a) the dates of the advance polling days and the hours of polling;

(b) the location of the advance polling stations and the polling divisions to be served by each; and

(c) the electors permitted to cast ballots at the advance poll. R.S., c. 300, s. 114; 1994, c. 26, s. 36; 2003, c. 9, s. 38; 2003 (2nd Sess.), c. 5, s. 20; 2007, c. 46, s. 20; 2011, c. 68, s. 13; 2019, c. 35, s. 6.

Final list

115 (1) The returning officer shall create a final list of electors, consisting of the revised list of electors together with any revisions made pursuant to Section 98 or 123 and including the birthdate information for each elector whose name appears on the list.

(2) The final list of electors shall be the list of electors for the municipality until new lists have been prepared and revised. 2015, c. 47, s. 20.

List of electors used for election purposes only

115A A list of electors shall be used for election purposes only and for no other purpose and, in particular, shall not be open for inspection, disposed of or sold. 2015, c. 47, s. 20.

Validity of list of electors

115B The validity of a list of electors is not affected by

(a) failure to appoint any official within, at, on or before the time limited by this Act;

(b) failure to complete any list of electors or do any thing within, at, on or before the time limited by this Act;

(c) failure of any official to take any oath required by this Act; or

(d) the inclusion on any list of electors of one or more names not authorized to be contained therein, or the omission from any list of one or more names that should have been included therein,

unless in any such case a court finds that the irregularity may have affected the result of an election at which the list of electors was used. 2015, c. 47, s. 20.

Procedure at and materials for advance poll

116 (1) Except as herein provided, the advance poll shall be held in the manner prescribed in this Act for an ordinary poll.

(2) The returning officer shall, before the poll is opened, deliver to each deputy returning officer, a correct copy of the list of electors for the polling district or districts to which he has been appointed to act and a poll book in which to record the names of the voters.

(3) Upon the close of voting the deputy returning officer shall, in the presence of the candidates or their agents, seal the opening in the top of the ballot box with a paper seal upon which have been affixed the initials of the deputy returning officer, poll clerk and such of the candidates and agents who are present and who choose to do so.

(4) Where voting is to take place at a polling station location on more than one advance poll day, the same ballot box, poll book and other materials may be used at the polling station, and the seal over the opening on the top of the ballot box may be opened on the second advance poll day so that ballots may be inserted during polling hours.

(5) The unused ballots and stubs shall be placed in an envelope upon which the deputy returning officer has endorsed his signature and the serial number of the seal used for sealing the ballot box, and the poll clerks shall, and any candidate or his agent may, affix their signatures across the flap of the envelope in such a way that the envelope cannot be opened without disturbing the signatures.

(6) The poll book, the envelope containing the unused ballots and stubs and the envelope containing the cancelled ballot papers shall be securely fastened to the ballot box.

(7) The deputy returning officer shall, if required by the returning officer, deliver the ballot box or boxes used at the advance polling station and all other materials to the returning officer.

(8) Where the returning officer does not require the ballot box or boxes and other materials to be delivered to him, the deputy returning officer shall keep the same secure until after the close of the poll on ordinary polling day.

(9) A ballot box used at an advance polling station shall not be opened until the counting of the votes takes place at the close of the poll on ordinary polling day, and during this time the ballot box shall remain in the custody of the returning officer or deputy returning officer, as the case may be. R.S., c. 300, s. 116.

List of persons who voted

117 At the close of an advance poll the deputy returning officer shall complete a list of persons who voted at the advance polling station in prescribed form and forthwith deliver to the returning officer the completed list. R.S., c. 300, s. 117.

Procedure where fewer than ten vote

118 **(1)** Where fewer than ten persons from any polling district served by an advance polling station voted for candidates for any one office at that advance polling station, the ballots shall be counted as prescribed in Section 119 and in all other cases the ballots from an advance polling station shall be counted as prescribed by Section 120.

(2) Notwithstanding subsection (1), where there are fewer than ten votes for any school board office only at an advance polling station, the returning officer may direct that the ballots be counted as prescribed by Section 120 or 123A. R.S., c. 300, s. 118; 1994, c. 26, s. 37; 2000, c. 9, s. 29.

Procedure when polls are open

119 **(1)** During the hours when the polls are open on ordinary polling day at the time and place prescribed by the returning officer, the deputy returning officer, in the presence of the poll clerks, candidates and agents who are present, shall

(a) open the ballot box;

(b) without looking at the front of the ballots, separate the ballots cast for councillors or school board members for each polling district;

(c) place the ballots in separate envelopes for each polling district;

(d) place in the same envelopes a number of ballots cast for mayor or other person to be elected at large;

(e) seal the envelopes and indicate the number of ballots for each office on the outside of the envelope;

(f) sign and request the poll clerk and such of the candidates and agents who choose to do so to sign across the seal of each envelope;

(g) deliver the envelopes to the polling stations designated by the returning officer.

(2) Where an envelope is delivered to a polling station pursuant to subsection (1), the deputy returning officer shall thereupon, in full view of the poll clerks, candidates and agents who are present, and the deputy returning officer who delivered the envelope, without opening the ballot box, place the ballots from the envelope individually into the ballot box.

(3) Where ballots from an advance polling station have been added to ballots cast at an ordinary poll, the deputy returning officer shall note the number of additional ballots provided from the advance polling station in the statement of poll completed in prescribed form in the poll book. R.S., c. 300, s. 119.

Procedure at close of poll

120 At the close of the poll on ordinary polling day, the deputy returning officer for each advance polling station shall, at the place where the advance poll was held or at the office of the returning officer and in full view of the poll clerks, candidates and agents who are present,

(a) open the ballot box;

(b) count the votes; and

(c) perform all the other duties required of a deputy returning officer in charge of a polling station. R.S., c. 300, s. 120.

Access to list

121 A returning officer shall

(a) keep in his headquarters the list delivered of persons who voted at the advance polling station, referred to in Section 117, where it shall be available for inspection by candidates or candidates' official agents at all reasonable times; and

(b) cause a copy of the list to be transmitted, before the opening of the poll on ordinary polling day, to the deputy returning officer of each polling station. R.S., c. 300, s. 121; 2003 (2nd Sess.), c. 5, s. 21.

Electors who voted at advance poll

122 A returning officer shall, on the revised list of electors to be used at each polling station, cause a line to be drawn through the names of all electors who voted at the advance poll and add to the list the names of electors who voted at the advance poll whose names do not appear on the list together with the notation "voted at advance poll". R.S., c. 300, s. 122; 2015, c. 47, s. 21.

Voter not on list

123 (1) A person whose name is not on the revised list of electors for the polling district in which he resides may present himself for the purpose of voting at the advance poll.

(2) The deputy returning officer shall administer an oath in prescribed form.

(3) *repealed 2015, c. 47, s. 22.*

(4) When the person has taken the oath, the deputy returning officer shall thereupon place the person's name in the poll book and, with the person's consent, add the person's name to the revised list of electors and permit the person to vote. R.S., c. 300, s. 123; 2000, c. 9, s. 30; 2015, c. 47, s. 22.

School board elections

123A (1) Where fewer than ten persons vote for the election of a school board member at any polling station, at the close of the poll the deputy returning officer, in the presence of the poll clerks, candidates and agents who are present, shall

(a) open the ballot box;

(b) without looking at the front of the ballots, separate the ballots cast for school board members;

(c) place the ballots for school board members in separate envelopes for each school board;

(d) prepare a partial statement of poll for the school board election setting out the number of people who voted for the school

board, the number of ballots and the reconciliation of ballots, and include the partial statement in the envelope;

(e) seal the envelopes and indicate the number of ballots for each office on the outside of the envelope;

(f) sign and request the poll clerk and such of the candidates and agents who choose to do so to sign across the seal of each envelope;

(g) deliver the envelopes to the returning officer.

(1A) If the returning officer is not the returning officer for the school board election, the returning officer shall deliver the envelopes to the returning officer for the school board election.

(2) Where an envelope is delivered to a returning officer for a school board election pursuant to subsection (1) or (1A), the returning officer may appoint a counting officer to count the ballots in all envelopes delivered to the returning officer pursuant to subsection (1) or (1A).

(2A) Where the returning officer for the school board election does not appoint a counting officer pursuant to subsection (2), the returning officer shall carry out the duties of the counting officer.

(3) The counting officer, prior to the official addition of the votes, at a time and place designated by the returning officer and made known to the candidates, in the presence of the candidates and agents who are present, shall

(a) open all envelopes;

(b) intermingle ballots from all of the different envelopes containing ballots for candidates for the same office;

(c) count the votes;

(d) prepare a partial statement of poll with respect to ballots counted;

(e) perform all other duties of a deputy returning officer in charge of a polling station. 1998, c. 18, s. 568; 2000, c. 9, s. 31; 2007, c. 46, s. 21.

Security of ballot box

124 Upon receipt of a ballot box, a returning officer shall

(a) if the seal is not in good order, affix a further seal without removing the existing one, and record its condition; and

(b) take every precaution for the safe-keeping of the ballot box and for preventing any person from having unlawful access to it. R.S., c. 300, s. 124.

Official addition

125 (1) The official addition of the votes shall be held by the returning officer at his headquarters commencing at ten o'clock in the forenoon on Tuesday, the third day after ordinary polling day.

(2) On the official addition of the votes, a returning officer shall, in the presence of the candidates and agents who are present, ascertain the number of votes cast for each candidate in each polling station in the electoral district by obtaining the information

(a) from the statement of the poll in the poll book; or

(b) if the statement of the poll in the poll book is not available, from the statement of the poll in the possession of the deputy returning officer, a candidate or an agent, but the correctness of the statement must be verified upon oath by the deputy returning officer or poll clerk. R.S., c. 300, s. 125.

Procedure if statement of poll unavailable

126 (1) Where the statement of the poll cannot be obtained for a polling station, the returning officer may ascertain the number of votes cast for each candidate

(a) from the endorsements on envelopes in the ballot box which contain the ballots cast for the candidates;

(b) from the deputy returning officer, his poll clerk or any other person; or

(c) from such evidence as he is able to obtain.

(2) The returning officer, in the performance of his duties under subsection (1),

(a) may summon any person to appear before him at a day and hour to be named by him and to bring all necessary papers and other documents;

(b) shall give notice of the proceedings, and of the day and hour thereof, to the candidates or their official agents; and

(c) may examine on oath any person respecting the matter in question.

(3) A person refusing or neglecting to attend on the summons of a returning officer issued under this Section is guilty of an offence. R.S., c. 300, s. 126.

Resealing of ballot box

127 If a ballot box is opened for the purpose of ascertaining the number of votes cast for the candidates, a returning officer, on returning the documents to the ballot box, shall seal the ballot box with a seal. R.S., c. 300, s. 127.

Completion of official addition

128 At the conclusion of the official addition of the votes, a returning officer shall

(a) complete a recapitulation sheet in prescribed form for each matter for which a poll was granted;

(b) transmit, by personal delivery or registered mail to each candidate or his official agent, a copy of the recapitulation sheet;

(c) transmit to the clerk by personal delivery or registered mail

(i) a copy of the recapitulation sheet, and

(ii) if a statement of a poll was not obtained for a polling station, a statement of how he ascertained the number of votes cast for each candidate at that polling station; and

(d) if he has not already done so, transmit to the clerk the deputy returning officers' accounts, the poll clerks' accounts, the assistant returning officer's account, the owners' of polling stations accounts, the accounts of other election officers and his own account in the forms prescribed by council. R.S., c. 300, s. 128; 1994, c. 26, s. 38.

Declaration of elected candidate

129 (1) Where a poll is held, the clerk shall, at the first regular or special meeting of the council after the time for applying for a recount has expired, declare elected the candidate, or candidates if more than one is to be elected, having the largest number of votes with the term of office of each candidate from each polling district where there has been no application made pursuant to this Act for a recount of the ballots cast in that polling district.

(2) Where there has been a recount, the clerk shall, at the first regular or special meeting of the council after the recapitulation sheet has been received from the judge, declare elected the candidate, or candidates if more than one, having the largest number of votes according to the recapitulation sheet, with the term of office of each candidate. 1994, c. 26, s. 39.

Automatic recount

130 (1) If, upon the calculation by the returning officer of the total number of valid votes cast for each candidate, it appears that an equality of votes exists for two or more candidates for any office, and the addition of one vote would entitle any of such candidates to be declared elected to such office, the returning officer shall file an affidavit with the clerk of the Supreme Court or of the Provincial Court setting out the facts, and upon filing the affidavit the returning officer shall apply to a judge of the Supreme Court or of the Provincial Court for a recount.

(2) At least three days prior to an application, the returning officer shall serve a copy of the application and a copy of the affidavit upon the clerk and upon the candidates who may be affected thereby. R.S., c. 300, s. 130; 2011, c. 68, s. 14.

Application for recount

131 (1) At any time within ten days after ordinary polling day, the clerk, if authorized by the council, any candidate or any elector, may apply to a judge of the Supreme Court or of the Provincial Court for a recount of all the ballots cast in any polling district or in all polling districts, and for any or all of the offices to be filled or questions to be decided.

(2) An application shall be filed with the clerk of the court and shall be accompanied by a deposit in the sum of two hundred dollars in legal tender or a certified cheque or money order as security for costs of the recount. R.S., c. 300, s. 131; 2008, c. 24, s. 1; 2011, c. 68, s. 15.

Dismissal of application

131A (1) A judge may refuse to conduct a recount and order that the application be dismissed if the judge determines that

(a) the application is frivolous or vexatious; or

(b) it would not be in the interest of justice to conduct the recount.

(2) Upon ordering that the application be dismissed, the judge may order costs against the applicant.

(3) The deposit of two hundred dollars shall not be paid out by the clerk of the court without an order of the judge. 2011, c. 68, s. 16.

Time and place of recount

132 (1) Upon receiving an application for a recount, the judge shall appoint a time and place to recount all ballots cast and cause notice in writing to be given to the clerk, the returning officer and the candidates who may be affected thereby and to such other persons as the judge may direct, of the time and place at which he will proceed to recount the same, such time to be not more than thirty days after the date of the application.

(2) The judge may direct that service of notice of the time and place of the recount be substitutional, or be made by mail, or by posting or in any other manner.

(3) Where an application has been made to a judge pursuant to subsection (1), and the judge determines that the recount can be completed sooner by another judge in either the Provincial Court or the Supreme Court, and where the judge decides that it is appropriate to do so, he may, by order, transfer the matter to that other judge. R.S., c. 300, s. 132; 2011, c. 68, s. 17.

Materials and persons at recount

133 (1) The returning officer shall attend throughout the proceedings at the place and time appointed for the recount with the sealed ballot boxes and poll

books used at the election, and shall hold or dispose of them according to the directions of the judge.

(2) In addition to the returning officer, the clerk of the court and the judge, the following persons may be present at the recount:

(a) the applicant;

(b) the clerk;

(c) the municipality's solicitor;

(d) the candidates and their solicitors or agents; and

(e) any person authorized by the judge. R.S., c. 300, s. 133; 2011, c. 68, s. 18.

Recount by judge

134 (1) At the time and place appointed the judge shall proceed to open the ballot boxes and to recount all the ballot papers contained therein.

(2) A recount shall, so far as practical, proceed continuously as directed by the judge. R.S., c. 300, s. 134.

Examination of ballots

135 (1) The judge shall examine the ballot papers and recount the votes.

(2) Any ballot paper

(a) that was not supplied by the deputy returning officer;

(b) that has not been marked for any candidate;

(c) on which votes have been given for more candidates than are to be elected for the office in question;

(d) that has not been marked with a cross, an "X", a check mark or a line made with a pencil or pen;

(e) that has not been marked within the circular space on the ballot paper at the right of the name of a candidate;

(f) that has been so marked to render it uncertain for which candidate or candidates the voter has voted; or

(g) upon which there is any writing or mark by which the voter can be identified, or that has been so torn, defaced or otherwise dealt with by the voter so that he can thereby be identified,

is void and shall not be counted, but no ballot shall be rejected only by reason of any word, letter or mark written or made or omitted to be written or made on it by the deputy returning officer or only by reason that the cross, the "X", the check mark or

the line is partially outside the circular space, where there is no uncertainty for which candidate or candidates the voter has voted.

(3) The judge shall make a note of any objection made by a candidate or by his agent to a ballot paper, and shall decide any question arising out of the objection, and the decision of the judge thereon is final.

(4) The judge shall then count the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him, and the statement shall be made under the several heads following:

(a) the names of candidates;

(b) number of votes for each candidate;

(c) ballot papers rejected as marked for more candidates than were to be elected;

(d) ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified; and

(e) ballot papers rejected as unmarked or from which it was impossible to determine for whom the ballot was cast. R.S., c. 300, s. 135; 1994, c. 26, s. 40; 2011, c. 68, s. 19.

Procedure on completion of recount

136 (1) Upon the completion of the recount, or as soon as he can ascertain the result of the voting, the judge shall seal up all the ballot papers in separate packets and return each packet to the proper ballot box, and shall forthwith certify the result to the clerk, who shall, at the next regular or special meeting of the council, declare elected the candidate, or candidates, if more than one is to be elected, having the highest number of votes and his term of office.

(2) Upon the completion of the recount, the judge shall return the ballot boxes and other documents relating to the election to the returning officer. R.S., c. 300, s. 136.

Costs

137 (1) At the conclusion of a recount, the judge may make such order as he sees fit respecting costs, including the disposition of money deposited as security for costs.

(2) If, in the opinion of the judge, the conduct of the election was such as to create a reasonable doubt that the results were fairly determined, the judge may order costs against the municipality, but no such order shall be made without first giving the municipality an opportunity to be heard.

(3) The deposit of two hundred dollars shall not be paid out by the clerk of the court without an order of the judge. R.S., c. 300, s. 137.

Equality of votes

138 (1) Where the recapitulation sheet received from the judge shows that an equality of votes exists for two or more candidates for any office, and the addition of one vote would entitle one or more of the candidates to be declared elected, the clerk shall determine the candidate or candidates to be declared elected, by lot.

(2) For the purposes of this Section, "lot" means the method of determining the successful candidate by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by a person chosen by the clerk. R.S., c. 300, s. 138.

Fees and expenses

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.

(2) Where it appears to the council that the fees and expenses provided for by the tariff are not sufficient remuneration for services required to be performed or expenses to be incurred, or that a claim for any necessary services performed or expenses incurred is not covered by the tariff, it may authorize the payment of such compensation for the services or expenses as is considered just and reasonable.

(3) All reasonable and necessary fees and expenses incurred under this Act shall be paid by the clerk out of the funds of the municipality upon the production of proper accounts, within the limits specified in the tariff or specially authorized by council, and such sums shall be sums required for the ordinary lawful purposes of the municipality. R.S., c. 300, s. 139; 2011, c. 68, s. 20.

Responsibility for election materials

140 (1) All ballot boxes, ballots, poll books, lists of voters, recapitulation sheets and unused election supplies shall be returned to the returning officer, who shall be responsible for their safe-keeping and their delivery to a judge if required.

(1A) The poll books shall be open for inspection for twenty-one days after ordinary polling day, but shall not be photocopied or otherwise reproduced for members of the public.

(2) The ballot boxes shall remain sealed for twenty-five days after ordinary polling day unless otherwise ordered by a judge.

(3) Where an election is not contested under this Act and where a recount is not requested or required, twenty-five days after ordinary polling day the returning officer shall open the ballot boxes and dispose of their contents and all unused election supplies, with the exception of the poll books, lists of voters and recapitulation sheets, which shall be transmitted to the clerk. R.S., c. 300, s. 140; 2003, c. 9, s. 40.

To whom final list is to be given

140A (1) Within sixty days of ordinary polling day, the final list of electors shall be given by the municipality to the Chief Electoral Officer for the Province for the purpose of preparation of a provincial list of electors or a permanent register of electors, and the giving of the list of electors to the Chief Electoral Officer for the Province is an electoral purpose within the meaning of subsection (3) of Section 81A.

(2) The final list of electors may be given by the municipality to the Chief Electoral Officer of Canada for the purpose of preparation of a federal list of electors or a permanent register of electors, and the giving of the list of electors to the Chief Electoral Officer of Canada is an electoral purpose within the meaning of subsection (3) of Section 81A.

(3) The final list of electors may be given by a municipality to a village for the purpose of preparation of a village list of electors, and the giving of the list of electors to the village is an electoral purpose within the meaning of subsection (3) of Section 81A. 2015, c. 47, s. 23.

Retention of materials

141 Where an election is not contested under this Act, the clerk or the secretary of a school board shall retain the poll books, lists of voters, recapitulation sheets, disclosure statements and such other materials and documents as may be prescribed by regulation for at least one year, but where an election is contested he shall retain them until the time for appeal has expired or for one year, whichever is longer. R.S., c. 300, s. 141; 2011, c. 68, s. 21; 2015, c. 47, s. 24.

Method of public notice

142 When an election officer is by this Act authorized or required to give a public notice and no special mode of notification is provided, the notice may be by advertisement, placard, handbill or by such other means of communication as he considers will best effect the intended purpose. R.S., c. 300, s. 142.

Name of person for whom published, broadcast or distributed

143 (1) Every advertisement having reference to an election that is printed, published, broadcast or distributed, either electronically or in hard copy,

shall indicate the name of the person on whose behalf the advertisement is printed, published, broadcast or distributed.

(1A) For greater certainty, where a candidate, the candidate's official agent or any other person acting on behalf of the candidate causes an advertisement having reference to an election to be printed, published, broadcast or distributed, either electronically or in hard copy, the advertisement must indicate that it is printed, published, broadcast or distributed, as the case may be, on behalf of the candidate.

(2) A person who prints, publishes, broadcasts or distributes an advertisement referred to in subsection (1) that does not comply with subsection (1) is guilty of an offence. 2007, c. 46, s. 23; 2011, c. 68, s. 22.

Time Definition Act

144 The hours of the day specified in any part of this Act shall be determined in accordance with the *Time Definition Act*. R.S., c. 300, s. 144.

Calculation of period of time

145 (1) When in this Act it is provided that any act or thing must be done or carried out before a specified day, the time within which that act or thing must be done or carried out does not include the specified day.

(2) When pursuant to this Act the time specified for the doing or carrying out of any act or thing expires on a Sunday or holiday, then the time for the doing or carrying out of that act or thing shall expire on the first preceding day that is not a Sunday or holiday.

(3) When pursuant to this Act the day specified for the doing of any act or thing falls on a Sunday or holiday, then that act or thing shall be done on the next following day that is not a Sunday or holiday. R.S., c. 300, s. 145.

Administration of oath

146 (1) An oath authorized or required to be made under this Act may be taken before

(a) the person who by this Act is expressly required to administer it; or

(b) if no person is expressly required to administer it, then before the clerk, returning officer, registrar of voters, revising officer, deputy returning officer, a judge, barrister, notary public, justice of the peace or a commissioner for taking affidavits.

(2) The oath shall be administered without fee or reward. R.S., c. 300, s. 146.

Vote by mail or other voting method

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.

(3A) Where an auditor is appointed under the by-law, the auditor shall, before entering upon the duties of the office, take the oath in the form prescribed by the regulations.

(4) Not fewer than sixty days before ordinary polling day, the returning officer shall establish procedures and forms for the conduct of voting in accordance with the by-law and provide a copy of the procedures and forms to each candidate for election.

(5) Where a by-law under this Section is in effect, the provisions of this Act respecting the matters dealt with by the by-law apply only if the by-law so specifies.

(6) Notwithstanding subsection (5), where a by-law provides for voting via the Internet through the unsupervised use of a personal computing device, the by-law must also permit voting by some other means on each advance polling day and on ordinary polling day.

(7) A by-law made pursuant to this Section may provide for the creation of offences and may

(a) impose a fine not exceeding ten thousand dollars or imprisonment for a maximum term of two years less a day, or both;

(b) impose a minimum fine;

(c) provide for imprisonment, for not more than one year, for non-payment of a fine.

(8) The *Remission of Penalties Act* does not apply to a pecuniary penalty imposed under a by-law made pursuant to this Section.

(9) The limitation period for the prosecution of an offence under a by-law made pursuant to this Section 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. 2003, c. 9, s. 41; 2007, c. 46, s. 24; 2008, c. 24, s. 2; 2011, c. 68, s. 23; 2015, c. 47, s. 25.

Oath of councillor

147 (1) A councillor shall, before entering upon the duties of his office, be sworn by taking the oath of allegiance and of office in prescribed form.

(2) The oath shall be administered by a judge, justice of the peace, the mayor or warden, or the clerk.

(3) The clerk shall enter a certificate of the taking of the oath in the minutes.

(4) The oath shall be taken and subscribed by each councillor at the first meeting of the council after his election, or within such extended time as the council allows.

(5) A councillor who refuses or fails to take the oath shall be deemed to have forfeited his office as councillor. R.S., c. 300, s. 147.

Special meeting of council

148 Where no regular meeting of the council is to be held within four weeks after ordinary polling day, the clerk shall call a special meeting of the council

to be held within four weeks after ordinary polling day for the purpose of administering the oaths of office. R.S., c. 300, s. 148.

Corrupt practices

149 Every person who

(a) induces or procures any person to vote knowing that that person has no right to vote;

(b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate;

(c) votes knowing that he is for any reason not qualified;

(d) votes at more than one polling station in a municipality on ordinary polling day;

(e) places any writing, number or mark on a ballot paper so that an elector may be thereby identified;

(f) knowingly furnishes false or misleading information to an election officer; or

(g) not being authorized by this Act, wilfully

(i) has a ballot paper or ballot in his possession,

(ii) alters, defaces or destroys a ballot paper,

(iii) supplies a ballot paper to any person,

(iv) deposits a paper other than a ballot paper in a ballot box,

(v) takes a ballot paper out of a polling station,

(vi) delivers to the deputy returning officer, to be placed in a ballot box, anything other than the ballot paper given him by the deputy returning officer,

(vii) destroys, takes, opens or otherwise interferes with a ballot box or books or packets of ballots or a ballot to be used, in use or used for the purpose of an election, or

(viii) prints a ballot paper or anything capable of being used as a ballot paper,

is guilty of a corrupt practice and is liable to a fine of not less than five hundred dollars nor more than five thousand dollars or to imprisonment for a term of not less than forty-five days nor more than six months, or to both. R.S., c. 300, s. 149.

Corrupt practice

150 Every person who

(a) and (b) *repealed 2007, c. 46, s. 25.*

(c) after having voted at an advance polling station votes or attempts to vote at a polling station on ordinary polling day,

is guilty of a corrupt practice and is liable to a fine of not more than two thousand five hundred dollars or to imprisonment for a term of not more than six months, or both. R.S., c. 300, s. 150; 2007, c. 46, s. 25.

Corrupt practices

151 (1) Every person who, by intimidation or duress,

(a) compels, induces or prevails upon any person to vote or refrain from voting at an election; or

(b) impedes, prevents or otherwise interferes with the free exercise of the franchise of any elector,

is guilty of a corrupt practice and is liable to a fine of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both.

(2) Every person who

(a) represents to any person that the ballot paper to be used or the mode of voting at an election is not secret;

(b) acts as an election officer without lawful authority; or

(c) impedes or obstructs an election officer in the performance of his duties under this Act,

is guilty of a corrupt practice and is liable to a fine of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both. R.S., c. 300, s. 151.

Corrupt practices by candidate

152 Every candidate who, during an election

(a) agrees, at the request of any person, to follow a course of action that will prevent him from exercising freedom of action on the council or to resign therefrom if called upon by any person; or

(b) makes or promises to make a bet or wager upon the result of the election or on any event or contingency relating to it,

is guilty of a corrupt practice and is liable to a penalty of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both. R.S., c. 300, s. 152.

Default of duty or corrupt practice by election officer

153 (1) Every election officer who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than five thousand dollars or in default of payment thereof to imprisonment for a term not exceeding six months.

(2) Every election officer who

(a) wilfully miscounts the ballots or otherwise makes up a false statement of poll;

(b) while performing the duties of his office, acts as an agent or canvasser for any candidate; or

(c) makes any alteration or insertion in or omission from the enumerators' index book, a list of electors, poll book or other election document, with intent to falsify it,

is guilty of a corrupt practice and is liable to a penalty of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both. R.S., c. 300, s. 153.

Bribery

154 **(1)** Every person who, directly or indirectly, offers, promises, gives, lends, accepts, borrows or demands valuable consideration, including office or employment, to

(a) induce any elector to vote or to refrain from voting;

(b) vote or refrain from voting;

(c) procure the return of any candidate or the vote of any elector;

(d) induce a person to allow himself to be nominated as a candidate, to refrain from becoming a candidate or to withdraw from becoming a candidate;

(e) illegally assist a candidate; or

(f) engage in corrupt practices at an election,

is guilty of bribery, and on summary conviction is liable to a fine of not less than one thousand dollars nor more than ten thousand dollars, or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both, and is disqualified from voting at any election for six years.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act. R.S., c. 300, s. 154.

Offences

155 **(1)** Every person who

(a) during the hours of polling on ordinary polling day

(i) supplies, carries or wears any flag, ribbon, emblem, badge or like favour with the intent to distinguish the user as the supporter of a candidate,

(ii) supplies, carries or uses a loud speaker, public address system, flag or banner with the intent that it be used to support a candidate, or

(iii) organizes or participates in a parade or demonstration that supports a candidate;

(b) at a polling place on ordinary polling day or at the advance polling place on advance polling day, posts or displays in, or within two hundred feet of, any wall of the building in which a polling place is situated any literature, emblem, ribbon, flag, sign, banner, card, bill, poster or device that tends to support a candidate;

(c) acts, incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of the election;

(d) removes, mutilates, defaces or alters any notice or document required by this Act to be posted;

(e) having already voted in a municipal election or school board election, either votes or applies to vote in the same election or in another municipal election or school board election that has the same ordinary polling day;

(f) contravenes any provision of this Act or of a by-law made pursuant to this Act, for which contravention no penalty is otherwise provided,

is guilty of an offence.

(2) Where there is a violation of clause (b) of subsection (1) and such violation is brought to the attention of a returning officer, he shall cause the offending devices to be removed and may deduct the cost from the candidate's deposit. R.S., c. 300, s. 155; 2003, c. 9, s. 42; 2015, c. 47, s. 26.

Penalty

156 Every person who is guilty of an offence under this Act for which contravention no penalty is otherwise provided is liable on summary conviction to a fine of not more than two thousand five hundred dollars and in default of payment thereof to imprisonment for a term of not more than six months. R.S., c. 300, s. 156; 2008, c. 24, s. 3; 2015, c. 47, s. 27.

Forfeiture of office

157 (1) Any officer or employee who is paid in whole or in part out of the funds of a municipality who is convicted of a corrupt practice or bribery under this Act shall forfeit his office or employment in addition to any other penalty that may be imposed.

(2) Any councillor who is convicted of a corrupt practice or bribery under this Act ceases to be a councillor. R.S., c. 300, s. 157; 1994, c. 26, s. 41.

Voiding of election or vote

158 (1) Where an election or a vote of the electors for the determination of any matter that the council has directed be put before the electors has not been conducted in accordance with this Act, the Supreme Court may, upon application, declare the election or the vote to be void.

(2) An elector, or the clerk on the direction of the council and in the name of the municipality, may make an application under this Section.

(3) The applicant shall name as respondent the clerk, the returning officer and the candidates who are not named as applicants.

(3A) Notwithstanding subsection (3), if the election was a school board election, the applicant shall name as respondent the superintendent of the school board, the returning officer for the school board election and the candidates who are not named as applicants.

(4) An application shall be in the form prescribed by the rules of court and shall state the particulars upon which the order is being sought.

(5) An application shall be commenced within twenty-one days after ordinary polling day for the election, or for the vote of the electors to which the application relates.

(6) Within twenty-one days after the judge completes the statement of a recount, the Supreme Court may extend the time for commencing an application pursuant to this Section where

(a) the application alleges that an action taken or decision made at the recount was not in accordance with this Act; and

(b) the Court is satisfied that the extension is equitable having regard to the availability of evidence.

(7) An application shall not be commenced until the sum of five hundred dollars has been deposited with the prothonotary as security for costs. R.S., c. 300, s. 158; 2007, c. 46, s. 26; 2011, c. 68, s. 24.

Application to discontinue

159 (1) Where an applicant wishes to discontinue the application, he shall apply to the Supreme Court for an order authorizing him to discontinue the proceeding.

(2) Upon hearing an application for discontinuance, the Supreme Court shall direct publication of the application for discontinuance inviting persons

to apply for leave to be substituted as applicants within a specified number of days after publication of the notice.

(3) Where a judge grants an application for discontinuance, any person who might have been an applicant may apply for leave to be substituted as the applicant. R.S., c. 300, s. 159; 2011, c. 68, s. 25.

Delivery of copy of order and costs

160 (1) At the conclusion of the hearing of an application pursuant to subsection (1) of Section 158, the judge shall cause a copy of the judge's decision and of the final order to be forwarded to the clerk of the municipality or the superintendent of the school board, as the case may be, and to the Minister.

(2) At the conclusion of the application, the judge may make such order as he sees fit respecting costs, including the disposition of money deposited as security for costs.

(3) Except where otherwise provided in this Act, the practice and procedure of the Supreme Court shall apply to an application under this Act. R.S., c. 300, s. 160; 2007, c. 46, s. 27; 2011, c. 68, s. 26.

Proceedings to disqualify councillor

161 No election or return of a councillor or school board member shall be questioned, and no proceedings to have the right of a person to serve as a councillor determined, shall be taken except in accordance with this Act. R.S., c. 300, s. 161; 2007, c. 46, s. 28.

Appeal

162 (1) An appeal lies from the decision of the Supreme Court to the Nova Scotia Court of Appeal in accordance with the rules of court.

(2) A new election or vote shall not be held until after the expiration of the time limited for appeal from the determination of the Supreme Court that the election or vote is void and, if an appeal is brought, the election or vote shall not be held pending the determination of the appeal. R.S., c. 300, s. 162; 2007, c. 46, s. 29; 2011, c. 68, s. 27.

Effect of participation by disqualified councillor

163 The decision of a council reached with the participation of a member who is declared to be not entitled to sit on council shall not in any way be affected on the grounds of the participation of such member. R.S., c. 300, s. 163.

Irregularity

164 No election shall be declared invalid

(a) by reason of any irregularity on the part of the clerk or the returning officer or in any of the proceedings preliminary to the poll;

(b) by reason of any want of qualification in the person signing a nomination paper received by the returning officer under the provisions of this Act;

(c) by reason of a failure to hold a poll at any place appointed for holding a poll;

(d) by reason of non-compliance with the provisions of this Act or a by-law made pursuant to this Act as to the taking of the poll, as to the counting of the votes or as to limitations of time; or

(e) by reason of any mistake in the use of the prescribed forms,

if it appears to the judge that the election was conducted in accordance with the principles of this Act or a by-law made pursuant to this Act and that the irregularity, failure, non-compliance or mistake did not affect the result of the election. R.S., c. 300, s. 164; 2008, c. 24, s. 4.

Certificate as evidence

165 In any proceeding under this Act, the certificate of the returning officer is sufficient evidence of the holding of the election or of any person named in the certificate having been a candidate thereat. R.S., c. 300, s. 165.

Disqualification while in office

166 (1) The seat of a councillor may be declared vacant pursuant to the provisions of this Act for disqualification or loss of qualification subsequent to his admission to office.

(2) An application to have the right of a person to serve as councillor determined shall be brought within thirty days after the disqualification or loss of qualification is known to the applicant.

(3) Subject to subsection (2), the proceedings to have the right of a person to serve as councillor determined shall be the same as in the case of an application under Section 158. R.S., c. 300, s. 166.

Regulations

167 (1) The Minister may make regulations

(a) prescribing forms and procedures for the purpose of this Act;

(aa) prescribing materials and documents to be retained by a clerk pursuant to Section 141;

(b) *repealed 2007, c. 46, s. 30.*

(c) defining any word or expression used but not defined in this Act;

(d) deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2003, c. 9, s. 43; 2007, c. 46, s. 30; 2011, c. 68, s. 28.