

## **Nomination & Elections By-Law**

Whereas, pursuant to Section 410 (1) of the Municipal Government Act, the village commission may, by by-law, provide for the nomination of candidates for election on a day preceding the day on which the election is to be held; and

Whereas, pursuant to Section 416 (1) of the Municipal Government Act, the village commission may provide by by-law for the village commissioners to be elected on a day within one week following the annual meeting; and

Whereas, pursuant to Section 416 (2) (a), (b), (c), and (d), of the Municipal Government Act, the by-law shall

(a) specify the day that the election is to be held;

(b) specify the hours that polling is to occur;

(c) provide for the appointment of two scrutineers; and

(d) provide for any matter or thing necessary to effectively conduct the election. 1998, c. 18, s. 416.

The Commission of the Village of New Minas, duly assembled, enacts as follows:

A By-law relating to the nomination and election of Commissioners to the Village of New Minas Village Commission. The Election Day By-law is now repealed and is now the Nomination & Elections By-law.

1. This By-law shall be titled the "Nomination & Elections By-law."

2. Definitions

"Act" means the Municipal Government Act, R.S.N.S. 1998, Chapter 18;

"Advance Polling Day" means the polling days preceding Election Day;

"Candidate" means a person who, at the close of nominations, has been lawfully nominated for election to the office of Commissioner;

"Clerk" means the Village Clerk Treasurer/Chief Administrative Officer appointed by the Commissioners pursuant to the Act;

"Commissioner" or "Commissioners" mean a Commissioner or Commissioners for the Village of New Minas within the scope of the Act;

"Election Day" means the day the Commissioners are elected to office, which must occur within one week following the annual meeting;

"Elector" means a person resident within the Village entitled to vote at a municipal election, and who will have resided in the Village for at least six months immediately prior to the Village election;

"Nomination Period" means the period from the first Monday in May up to and including the last Friday in May;

"Returning Officer" means a person appointed by the clerk to conduct all regular and special elections required under this By-law;

"Special Election" means an election held to fill a vacancy on the Commission;

"Village" means the Village of New Minas, Kings County, Nova Scotia;

### 3. Nominations

- (a) No person shall be eligible for election to the office of Commissioner unless that person is an elector and has been nominated by not less than five (5) electors; is a Canadian citizen by birth or naturalization; and who has reached the age of nineteen (19) years.
- (b) All nominations shall be submitted using the prescribed form and shall be filed at the Village office on a business day during the nomination period between the hours of eight thirty (8:30) o'clock in the forenoon and four thirty (4:30) o'clock in the afternoon.
- (c) The returning officer shall publicly advertise in the Village, a notice of the time, date, and place for the nomination of candidates at least two (2) weeks prior to the nomination period.
- (d) No nomination shall be valid or accepted unless it has been completed and signed by the candidate. Only the names of those persons duly nominated shall appear on the ballots as candidates for election.
- (e) Where no more than the number of candidates authorized to be elected are officially nominated no poll is granted.
- (f) Before four o'clock in the afternoon of the first business day after nomination day, a candidate may appear in person or by official agent before the returning officer and file a declaration signed by either of them that they withdraw as a candidate, whereupon they shall be deemed not to have been nominated.
- (g) If a candidate dies before the close of nominations on nomination day, they shall be deemed not to have been officially nominated.

### 4. Special Election

- (a) Subject to the Act, within 30 days after a vacancy occurs in the office of Commissioner because an insufficient number of candidates are nominated to fill the vacancies at a regular or special election; or a commissioner dies, resigns, becomes disqualified or forfeits office, the remaining Commissioners shall meet for the purposes of setting a date for a special election.
- (b) Notwithstanding Subsection (a), a vacancy need not be filled until the next election held in accordance with the election by-law of the village immediately following the next annual

meeting if it occurs within six months of the next annual meeting unless the Minister or the Commission determines otherwise.

- (c) The day fixed for the special election shall be a Saturday not more than 60 days after the vacancy occurs.
- (d) A Commissioner elected at a special election shall hold office from the time when the oath of office is taken until a 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.

## 5. Elections

- (a) Elections for the office of Commissioner shall take place on Election Day, which shall be the fourth Wednesday in June and the day following the annual meeting between the hours of nine o'clock (9:00) in the forenoon and seven o'clock (7:00) in the afternoon and on the advance polling days between the hours of nine o'clock (9:00) in the forenoon and five o'clock (5:00) in the afternoon.
- (b) The returning officer for the advance poll and the election may appoint such persons who shall act as scrutineers or otherwise to assist in the conduct of the election and to be present at the poll(s) during the balloting.
- (c) Voting for the offices of Commissioner shall be held at such place(s), to be called poll(s), as may be designated by the returning officer. The returning officer, on behalf of the Village, shall publicly advertise, at least two (2) weeks prior to the advance-polling day, a notice of:
  - i) the date of election day and of advance polling day, and the hours of polling at each; and,
  - ii) the location of the various polls.
- (d) Any elector may vote on an advance polling day at an advertised poll or on election day at an advertised poll.
- (e) An elector not present or able to vote on an advance polling day or on election day may contact the returning officer to make arrangements to vote in absentia or by proxy, using the prescribed form.
- (f) A single ballot shall be held and a single ballot paper shall be used at an election even if there is more than one vacancy in the office of Commissioner. The names of all candidates shall appear on the ballot papers in alphabetical order by last name. An elector may vote only once for each office to be filled and may vote only once for any candidate and these conditions shall appear on the ballot papers.

## 6. Procedure at Completion of Vote

- (a) Upon the completion of the voting, the returning officer, the clerk, and each of the two scrutineers, shall open the ballot box and examine the ballot papers and proceed to count the votes.
- (b) The candidate obtaining the greatest number of votes at an election shall be deemed to have been elected to the vacant office of Commissioner.

- (c) After the votes are counted the clerk shall make up a written statement containing the following particulars:
  - i. the number of votes polled;
  - ii. the names of the persons receiving votes; and
  - iii. the number of votes received by each person.
- (d) The statement shall be signed by the clerk and filed.
- (e) The provisions of Sections 64, 65, 66, 67, 69, 70, 83, 84, 85, 86, 89, 90, 91, 93, 95, 96, 97, 98, 100, 101, 102, 103, 105, 108, 109, 116, 117, 119, 120, 121, 122, and 123 of the Municipal Elections Act, R.S.N.S., 1989, C. 300, where not inconsistent with this by-law or the Municipal Government Act, shall, with respect to procedure for balloting, the conduct of the election, and the procedure at an advance poll, apply mutatis mutandis.
- (f) When there is a tie at an election of a Commissioner, the clerk shall determine the successful candidate by lot as prescribed by the Municipal Elections Act 1998, c. 18, s. 418; 2014, c. 21, s. 11.

#### 7. Recount

- (a) If, within three days after the election, any elector requests a recount of the votes cast at the election, the clerk shall appoint a time within three days to recount the votes at the Village office and shall, at the time and place appointed, in the presence of the returning officer, the chair of the Village Commission, and the elector, proceed to recount the votes.
- (b) The clerk, as soon as the result of the poll is ascertained, shall declare to be elected the candidate or candidates having the highest number of votes and in the event of a tie determine the successful candidate by lot as prescribed by the Municipal Elections Act (1998, c. 18, s. 418; 2014, c. 21, s. 11).