

# HALIFAX

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**Item No. 15.1.6**  
**Halifax Regional Council**  
**February 25, 2020**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

Jacques Dubé, Chief Administrative Officer

**DATE:** February 11, 2020

**SUBJECT:** 2020 Halifax Regional Municipality and CSAP Regular Election:  
Appointment of Returning Officer, Delegation of authorities, and use of Provincial  
List of Electors.

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## RECOMMENDATION REPORT

### ORIGIN

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

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

### LEGISLATIVE AUTHORITY

*Municipal Elections Act (Act)*, sections 4, and 114, and subsections 30(1) and 139(1)(2), as follows:

- 4 (1) The council shall appoint a returning officer, who may be the clerk, another municipal employee or another person who is not a municipal employee, to conduct all regular and special elections required under this act.
- (1A) The council may appoint one or more assistant returning officers who shall assist the returning officer in carrying out the returning officer's duties and who shall act in the place and in the stead of the returning officer when the returning officer is absent or at the request of the returning officer.

**Recommendations on page 2**

- (1B) The council shall appoint the returning officer for a regular election on or before the fifteenth day of March of the regular election year.
- 1(C) The council may delegate its powers of appointment pursuant to this Section to the clerk or chief administrative officer.
- 30 (1) By the fifteenth day of April in a regular election year, the council may, by resolution, provide that the returning officer
- (b) use the list of electors used in the most recent federal or provincial election, or in an election held pursuant to this Act.
- 114 (4) An advance poll shall be held on
- (a) Tuesday, the fourth day before ordinary polling day; and
- (b) one other day fixed by council, by resolution, which shall be either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day.
- (4A) Council may delegate its authority to fix a day pursuant to clause (4)(b) to the returning officer.
- 139 (1) The council shall, by resolution, make a tariff of fees and expenses to be paid to any person for his services and expenses under this Act and may similarly revise and amend the tariff and provide for a method of rendering and verifying accounts for payment.
- (1A) The council may delegate its authority to make, revise and amend the tariff of fees and expenses and provide for a method of rendering and verifying accounts for payment pursuant to subsection (1) to the clerk or chief administrative officer.

## **RECOMMENDATIONS**

It is recommended that Halifax Regional Council:

1. Appoint Sherryll Murphy as the Returning Officer to conduct the 2020 Halifax Regional Municipality and CSAP Election, effective immediately;
2. In accordance with the *Municipal Elections Act*, delegate the following authorities:
  - (a) to the Clerk, the authority to appoint the Assistant Returning Officer;
  - (b) to the Clerk, the authority to make, revise, and amend the tariff of fees and expenses; and
  - (c) to the Returning Officer, the authority to set the first advance polling date; and
3. Direct the Returning Officer to use of the provincial list of electors for conducting the 2020 Halifax Regional Municipality and CSAP Election.

## **BACKGROUND**

### **Appointment of Returning Officer**

The *Act* requires Regional Council to appoint a Returning Officer. The Returning Officer is responsible for all matters related to the conduct of the election including voting procedures, division and location of polls, and any other matters that ensures voting is conducted and reported in a fair and accurate manner and in compliance with the legislation.

## **Delegations**

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

## **Use of the Provincial List of Electors**

Subsection 30(1) of the *Act* requires, by April 15, 2020, Regional Council to decide to either use the provincial list of electors for the Election, or undertake an enumeration. The preliminary list of electors is provided by Elections Nova Scotia and is the starting point for the list of electors who may vote in the Election. Once the preliminary list of electors is received, it is then amended and revised throughout the election period.

## **DISCUSSION**

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

### **Appointment of Returning Officer**

Section 4 of the *Act* requires Council appoint a Returning Officer to conduct the Election by March 15, 2020. The Returning Officer may be the Clerk, another municipal employee, or another person who is not a municipal employee. Staff is recommending the Clerk be the Returning Officer.

### **List of Electors**

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

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

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

### **Delegation - Assistant Returning Officer**

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

### **Delegation – Tariff of Fees**

The *Act* requires a tariff of fees be set. The tariff sets the amounts that are paid for various positions, such as a deputy returning officer, and a poll clerk. The 2016 tariff of fees is attached. Since 2011, the *Act* allows

Council the option to delegate its authority to make and amend the tariff of fees to the Clerk, and Council has done so.

### **Delegation - Advance Polling Date**

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

- either Thursday October 8, 2020 or Saturday, October 10, 2020 (date to be set by Council or, if delegated, the Returning Officer); and
- Tuesday, October 13, 2020 (set by the *Act*).

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

### **Delegation Recommendation**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the recommendations.

### **RISK CONSIDERATION**

There are no risks associated with the recommendations.

### **COMMUNITY ENGAGEMENT**

The municipality completed a robust citizen engagement initiative during the 2016 regular and 2019 special election. Where possible, input from the public will be referenced and incorporated in the planning process.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental risks associated with the recommendations.

### **ALTERNATIVES**

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

Council may decide to complete enumeration instead of using the elector data from Elections Nova Scotia, but that would not be recommended due to time and costs associated with completing enumeration.

**ATTACHMENTS**

Attachment 1 2016 Tariff of Fees

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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## Tariff of Fees and Expenses – 2016 Municipal & School Board Election

In accordance with Section 139 (1) that, Council shall by resolution, make a tariff of fees and expenses to be paid to persons for service and expenses under the Municipal Elections Act and may similarly revise and amend the tariff and provide for a method of rendering and verifying accounts for payment and,

In accordance with Section 139 (1A) that 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.

That Council, by resolution duly passed on December 1, 2015, delegated the authority to "make, revise and amend the tariff of fees and expenses and provide for the method of rendering and verifying accounts for payment to the Municipal Clerk.

The following tariff of fees and expenses shall be in effect for 2016 Municipal and School Board Election as required, until such time as they are revised by the Municipal Clerk.

**Supervising Deputy Returning Officer (SDRO) - \$305/poll day** (1 hour prior to opening of poll to reporting of all polls/tables at the polling location)

**Deputy Returning Officer (DRO) - \$230/poll day** (1 hour prior to opening of poll to reporting of the poll for which the DRO is responsible)

**Poll Clerk (PC) - \$215/ poll day** (1 hour prior to opening of poll to reporting of the poll at which the poll clerk is working)

**Information Officer (IO) - \$215/ poll day** (1 hour prior to opening of poll to reporting of the poll at which the information officer is working)

**Drivers - \$200/day** if personal vehicle is used the driver will also be compensated based on the kilometer rate driven in accordance with the HRM local travel policy. (Drivers must have a valid driver's license for the vehicle operated, a safe driving record, 3<sup>rd</sup> party liability and vehicle insurance coverage and sign a waiver for use of personal vehicle when applicable).

**Results Data Entry Clerks (RSEC) - \$100/poll day** (90 minute prior to close of poll on Election Day until all results at the location are entered into the system).

**Training: \$50.** A mandatory election training event (estimated at 2.5 hours) is required of all election workers.

**Deputy Returning Officer/Poll Clerks (DRO/PC) - During Advance Voting Period** shall be paid at a rate of **\$17.00/hour plus 4% vacation pay for hours worked in the advanced poll locations.** Attendance at vote count on Election Day will be paid at the same hourly rate to a maximum of 3 hours.

**Supervising Deputy Returning Officer (SDRO) - During Advance Voting Period** shall be paid at a rate of **\$20.00/hour plus 4% vacation pay for hours worked in the advanced poll locations.**

**Spares (all positions for Advance and Poll Dates) – Standby rate of \$75.** If assigned a specific position the staff will be paid at the position rate instead of standby rate.

All payments shall be made in accordance with the policies of the Halifax Regional Municipality and Revenue Canada.

Signed this 22 day of February, 2016

Original Signed

Kevin Afjoch  
Municipal Clerk