



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

Item No. 11.3.3
Halifax Regional Council
December 2, 2014

TO: Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Mayor Savage, Chair of Executive Standing Committee

DATE: November 24, 2014

SUBJECT: Municipal Voting Rights for Permanent Residents

ORIGIN

Executive Standing Committee November 24, 2014 meeting.

Motion of Regional Council August 5, 2014

Motion approved that Halifax Regional Council request a staff report for submission to the Executive Standing Committee examining the benefits and implications of extending the rights to vote in municipal elections to Permanent Residents. The report should include a review of practice in other jurisdictions and address administrative, intergovernmental, legislative, procedural, and social implications.

LEGISLATIVE AUTHORITY

The mandate of the Executive Standing Committee, as adopted by Regional Council is to fulfill the self-governance role of Regional Council including:

3.6 General Council Governance

3.6.1 The Executive Standing Committee shall act as a review committee for matters related to the general self-governance and administration of Council as directed by Council.

Nova Scotia Municipal Elections Act, Section 14 which defines the qualifications of an elector.

Nova Scotia Municipal Elections Act, Section 2(2) which outlines how school board elections are conducted.

Nova Scotia Education Act, Sections 13 & 42A(3) which includes additional elector qualifications for Conseil scolaire acadien provincial School Board and African Nova Scotian member of the Halifax Regional School Board.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Endorse including permanent residents as qualified electors to vote in municipal and school board elections; and
2. Direct staff to consult with the Province of Nova Scotia's department of Municipal Affairs to move the recommendation forward.

BACKGROUND

The Executive Standing Committee received a staff report dated November 13, 2014 at their November 24, 2014.

Additional information can be reviewed in the November 13, 2014 staff report attached hereto.

DISCUSSION

The Executive Standing Committee reviewed the November 13, 2014 staff report with staff providing clarification on the definition of a permanent resident pursuant to the Federal *Immigration and Refugee Protection Act* and, as outlined in the background section of the report.

During the discussion, support was expressed in regard to voting rights being extended to all permanent residents in Nova Scotia through amendments to the Municipal Elections Act, with recognition that the motion allowed for pursuing all options with the Province.

FINANCIAL IMPLICATIONS

No additional costs identified.

COMMUNITY ENGAGEMENT

As outlined in the attached November 13, 2014 staff report.

ENVIRONMENTAL IMPLICATIONS

No implications identified.

ALTERNATIVES

No alternatives were provided by the Executive Standing Committee.

ATTACHMENTS

Staff report dated November 13, 2014

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Krista Vining, Legislative Assistant, Office of the Municipal Clerk, 902-490-6519

HALIFAX

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

Item No.
Executive Standing Committee
November 24, 2014

TO: Mayor ~~Savage~~ and Members of Executive Standing Committee

SUBMITTED BY: Original Signed
Richard Butts, Chief Administrative Officer

DATE: November 13, 2014

SUBJECT: Municipal Voting Rights for Permanent Residents

ORIGIN

Regional Council motion from August 5th, 2014.

Motion approved that Halifax Regional Council request a staff report for submission to the Executive Standing Committee examining the benefits and implications of extending the right to vote in municipal elections to Permanent Residents. The report should include a review of practice in other jurisdictions and address administrative, intergovernmental, legislative, procedural, and social implications.

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Elections Act, Section 14 which defines the qualifications of an elector.

Nova Scotia Municipal Elections Act, Section 2(2) which outlines how school board elections are conducted.

Nova Scotia Education Act, Sections 13 & 42A(3) which includes additional elector qualifications for Conseil scolaire acadien provincial School Board and African Nova Scotian member of the Halifax Regional School Board.

RECOMMENDATION

That the Executive Standing Committee recommend that Halifax Regional Council:

1. endorse including permanent residents as qualified electors to vote in municipal and school board elections; and
2. direct staff to consult with the Province of Nova Scotia's department of Municipal Affairs to move the recommendation forward.

BACKGROUND

Halifax Regional Council requested staff submit a report to the Executive Standing Committee examining the benefits and implications of extending the right to vote in municipal elections to permanent residents.

A permanent resident means a person who has acquired and not lost permanent resident status pursuant to the *Immigration and Refugee Protection Act*¹. Permanent residents have gone through an application process and met a residency requirement. They are citizens of other countries.

Permanent residents are issued legal documentation from the federal government such as a Permanent Resident card ("PR Card"), Record of Landing, or a Confirmation of Permanent Residence ("COPR") document to be used in circumstances which require proof of permanent residence.

Individuals who are refugee claimants or in Canada temporarily, such as a student or foreign worker, are not considered permanent residents and would not be eligible electors should the legislation be changed to include permanent resident as voters in municipal elections.

DISCUSSION

Permanent residents live in all communities in Nova Scotia. Of the estimated 20,138 of permanent residents in Nova Scotia 14,162 (70.3%) reside in Halifax².

The HRM Election Office conducted research to identify jurisdictions which are considering or have already implemented voting rights to permanent residents. Research³ indicates that voting rights by permanent residents is under consideration in a number of municipalities in Canada, the United States and around the world. Voting rights in local elections have been extended in number of jurisdictions including New Zealand and Japan. The impetus in these cases appears to be similar to that expressed in the motion by Halifax Regional Council, the recognition that permanent residents have a significant investment in decisions related to local government and contribute to the communities in which they reside.

Consideration has been given within some jurisdictions to an extended residency requirement (generally one or two years) before providing voting rights to permanent residents. In the view of the HRM Election Office this would not be consistent with the status of permanent residency provided for under immigration regulations, it would be difficult to verify except by oath or affidavit of the voter and the Nova Scotia Municipal Elections Act (MEA) has a residency requirement for all voters in the definition of "qualified voters" and to alter that for a certain category of voters could be considered confusing and/or inequitable.

Legislative Options

Legislative considerations differ from province to province in regard to how municipal elections are conducted. In Nova Scotia the MEA (provincial legislation) governs all matters related to municipal elections. The qualifications for voting in municipal elections are provided for in Section 14 of the MEA and include:

- (a) is of the full age of eighteen years on ordinary polling day;
- (b) is a Canadian citizen on ordinary polling day; and

¹ <http://laws-lois.justice.gc.ca/eng/acts/I-2.5/>

² Statistics are attached as Appendix B – Permanent Resident Statistics for Halifax and Nova Scotia

³ Summary is attached as Appendix A – Jurisdictional Scan

- (c) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of three months immediately preceding ordinary polling day and continues to so reside, is entitled to be registered on the list of electors and to vote.

Under the Nova Scotia Education Act qualifications to vote in school board elections references Section 14 of the MEA for consistency as elections are usually conducted at the same time. Voter qualifications for the African Nova Scotia Member of the Halifax Regional School Board and Conseil scolaire acadien provincial School Board are provided for in the Education Act. The Education Act provides for additional qualifications in regard to voting but does not replace or alter the voter qualifications provided for in the MEA.

Options

Alternative 1: Amend Section 14 (Qualifications of Elector) of the MEA of Nova Scotia to ensure common rights and election consistency throughout the province for municipal and school board elections. These amendments would require "permanent resident" to be added to the eligibility for voters under section 14 of the Act and a corresponding definition of "permanent resident" would need to be added. Draft wording is as follows:

2 (va) "permanent resident" means a person who has acquired and not lost permanent resident status pursuant to the Immigration and Refugee Protection Act⁴;

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 or permanent resident on ordinary polling day; and

(c) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of three months immediately preceding ordinary polling day and continues to so reside,

is entitled to be registered on the list of electors and to vote.

The Provincial Government of Nova Scotia has stated publicly that they are willing to conduct a public consultation with regard to extending the vote to permanent residents on a local (municipal and school board) level.

Alternative 2: Amend the Halifax Regional Municipality Charter to extend the vote to permanent residents for municipal and school board elections within the Municipality. This would require a definition of "permanent resident" and an opting out section be added to the HRM Charter, as follows:

3(ava) "permanent resident" means a person who has acquired and not lost permanent resident status pursuant to the Immigration and Refugee Protection Act;

9 (3) Notwithstanding clause 14 (b) of the Municipal Election Act, every person who is a Canadian citizen or permanent resident on ordinary polling day and otherwise complies with section 14 of that Act is entitled to be registered on the list of electors and vote.

⁴ <http://laws-lois.justice.gc.ca/eng/acts/I-2.5/>

It is the position of the HRM Election Office that the most desirable approach to extend voting rights to permanent residents, should Regional Council and the Province move forward, is to amend the MEA to 1) provide voting rights to all permanent residents in Nova Scotia; and 2) ensure legislative clarity and procedural consistency of voting rights for all eligible voters in Nova Scotia.

Practical Application in an Election

If voting was extended to permanent residents in municipal and school board elections it would require permanent residents to present appropriate legal documentation to an authorized election official in order to be added to the voters list.

All qualified electors would be required to meet the ordinarily resident requirements in Halifax of 3 months prior to polling day.

Voters List Implications

If permanent residents are added to the electors list during a municipal election their information is removed from the electors' list prior to the return to Elections Nova Scotia as per the data sharing agreement.

Social Implications

Consultations with ethnocultural community groups including Immigrant Services Association of Nova Scotia and Multicultural Association of Nova Scotia confirmed that local voting rights for permanent residents would be considered by many permanent residents as a positive conduit to fully engage in their chosen community.

Several pieces of correspondence have been received by the Election Office which expresses the view that voting in local elections be retained as a right of Canadian citizenship.

Based on a cross-jurisdictional scan among Canada and other countries, trends seem to indicate that there is a desire of local governments to provide permanent residents the opportunity to vote in local elections in their chosen communities.

FINANCIAL IMPLICATIONS

No additional costs identified.

COMMUNITY ENGAGEMENT

The motion of Regional Council in regard to consideration of a report in regard to voting rights for permanent residents in municipal elections was a public motion. The Executive Committee is made up of duly elected members of Regional Council and meetings are open to the public.

The Union of Nova Scotia Municipalities (UNSM) has written to the Minister of Municipal Affairs in support of amending the MEA to allow those with permanent resident status to vote in municipal elections. (Dated September 8, 2014).

The Halifax Chamber of Commerce, in their Municipal Note publication, has voiced their support of Mayor Savage's proposal to allow permanent residents to vote in Halifax's municipal elections.

ENVIRONMENTAL IMPLICATIONS

No implications identified.

ALTERNATIVES

Halifax Regional Council can choose to not move forward with recommending to the Province that legislative amendments be undertaken to extend voting rights for municipal and school board elections to permanent residents.


ATTACHMENTS

Appendix A – Jurisdictional Scan

Appendix B – Permanent Resident Statistics for Halifax and Nova Scotia

A copy of this report can be obtained online at <http://www.halifax.ca/boardscom/standing.php> then choose the appropriate Standing Committee and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Lori McKinnon, Election Coordinator, Office of the Municipal Clerk, 902-.490-.6810
Original Signed

Legal Approval by: 
Josh Judah, Acting Director, Legal Services, 902-490-4124
Original Signed

Report Approved by: 
Cathy Mellett, Municipal Clerk, 902-490-6456

Appendix A – Jurisdictional Scan

Other Jurisdictions in Canada Exploring Permanent Resident⁵ Voting Rights

Province	Municipality/City or Community	Content
ON	Toronto	<ul style="list-style-type: none"> • Council Decision, June 11, 2013 – http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM22.15 2. City Council request the Minister of Municipal Affairs and Housing to commence discussion with the Federal Government of Canada with the view to defining permanent residency for the purposes of considering and permitting permanent residents the right to vote in municipal elections in Toronto. 3. City Council request the Minister of Municipal Affairs and Housing to amend the necessary legislation to allow Permanent Residents the right to vote in municipal elections. 4. In the event the Province of Ontario changes Municipal Elections Act to allow permanent residents to vote, City Council requests the Province to ensure that the legislation includes an appropriate time period for permanent residency. <p>Ontario Provincial government appears open to the change in legislation as of May 2013.</p>
ON	Kitchener	<p>Was not in place in time for 2014 municipal elections.</p> <p>2007, City of Kitchener commissioned examination on the issue of low voter turnout via Compass Kitchener:</p> <ul style="list-style-type: none"> • Compass Kitchener established a sub-committee to further explore the issue in 2011. Report presented in March 2014 which resulted in the following motions being passed: <ul style="list-style-type: none"> ○ 3. Staff be directed to further investigate the City of Toronto initiative, including public consultation; requesting the Province to enact further amendments to the MEA, 1996 to allow all permanent residents to vote in municipal elections. • Report to the Finance and Corporate Services Committee on May 12, 2014 indicated that after each municipal election the Ministry of Municipal Affairs and Housing reviews the MEA, 1996. The next municipal election is October 2014. City Staff and Compass Kitchener can solicit public input with regard to this initiative as part of their 2015 work plans.

⁵Also named in some reference documentation as Immigrant voting.

Province	Municipality/City or Community	Content
NB	Saint John	<p>January 6th, 2014 Common Council voted in favour of the following motion:</p> <ul style="list-style-type: none"> • "Refer to the Common Clerk for scheduling a presentation by the Saint John Human Development Council on the topic of extending the right to vote in municipal elections to Permanent Residents."

Internationally

Note: The following list is a cross-section of how countries have granted permanent resident voting rights.

Country	Content
Finland	<p>Citizens of EU countries can vote municipally if reside in Finland for more than 2 years prior to election day. http://www.vrk.fi/default.aspx?id=55</p>
United States of America	<p>Non-citizens vote in seven jurisdictions in the United states:</p> <ul style="list-style-type: none"> • Chicago (in local school council election) • Maryland towns including Takoma Park, Barnesville, Martin's Additions, Somerset, and Garrett Park, Chevy Chase vote in city elections <p>Additional jurisdictions considering/reviewing immigrant voting rights:</p> <ul style="list-style-type: none"> • New York City legislation, <u>Intro 410</u> (also known as the Voting Rights Restoration Act) would allow about one million noncitizen residents 18 years of age or older to vote in New York City elections if they have been lawfully present for six months. <i>*Has not been implemented to date. Last reference in Council was Dec 2013. Filed Sine Die (without further Date)</i> • Four towns (Amherst, along with Cambridge, Newton and Brookline) in Massachusetts have passed local laws but await state enabling legislation to implement. <i>*No further information. Has not been implemented.</i> (from http://ronhayduk.com/immigrant-voting/)
New Zealand	<p>Local and National voting rights to all permanent residents after one year of residence. http://www.dol.govt.nz/immigration/knowledgebase/item/5121</p>
Luxembourg	<p>In 2003: local voting rights were granted with no nationality restrictions.</p>
Chile	<p>Permanent Residents after five years http://confinder.richmond.edu/admin/docs/Chile.pdf - Article 14 of the Chilean Constitution</p>
EU (generally)	<p>Reciprocal local and European Parliament voting rights for all citizens of member nations.</p>
Austria	<p>Citizens of EU countries can vote only in Vienna at borough level.</p>

Country	Content
Ireland	<p>Residents of the state who are Irish citizens or British citizens may participate in elections to the national parliament. Residents who are citizens of any EU state may vote in European Parliament elections, while any resident, regardless of citizenship, may participate in local elections.</p> <p>http://en.wikipedia.org/wiki/Elections_in_the_Republic_of_Ireland and http://www.independent.ie/irish-news/elections/system-seems-complicated-but-your-vote-really-does-matter-30297680.html</p>
Japan	<p>http://www.japanesestudies.org.uk/eicjs/vol13/iss1/green.html (section titled - Local foreign suffrage)</p> <p>http://www.japantimes.co.jp/news/2014/08/20/national/politics-diplomacy/debate-foreigner-voting-rights-reignites-ahead-2020-olympics/#.U_XY4GMw-Y – News Article</p> <ul style="list-style-type: none">• On April 1, 2009, Kawasaki implemented its new system allowing foreign residents to vote on referenda and in local elections.• As of 2005, there were approximately 200 municipalities that authorize foreign residents to vote• The national government has attempted to take up the issue of foreign residents voting locally in recent years but has been effectively taken off of the national agenda for the time being due to political opposition, natural disasters and other circumstances.

Appendix B – Permanent Resident Statistics for Halifax and Nova Scotia

Permanent Resident Calculations

	Number of incoming Permanent Residents (annually) to Halifax ⁶	Total Number of Non-Citizens in Halifax	Rest of Nova Scotia
2011		10435 ⁷	4810
2012	1756		585
2013	1971		581
Totals		14162	5976

Elector Statistics

Statistics Canada captured the number of permanent residents age 15 or older as of 2012⁸: 205,752

Percentage estimates of permanent residents 18 years or older as of 2016:

- Canada - $205752/257887 = 79.8\%$ (rounded to 0.X percentage point)
- Halifax (2013) – $14162 \times 79.8\% = 11,301$

⁶ Canada – Permanent residents by province or territory and urban area, 2009-2013

⁷ Citizenship and Immigration Statistics - Halifax Regional Municipality (2011)

⁸ Canada – Permanent residents 15 years of age or older