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Item No. 11.1.4

**Audit & Finance Standing Committee
May 20, 2015**

**Halifax Regional Council
June 2, 2015**

TO: Chair and Members of Audit & Finance Standing Committee
Original Signed

SUBMITTED BY: _____
Richard Butts, Chief Administrative Officer

DATE: May 11, 2015

SUBJECT: Special Elections: Appointment of Returning Officer, Delegation of Duties,
Authorization for Reserve Withdrawal, Method of Voting

ORIGIN

Halifax Regional Council is required by resolution or delegation of authority to address a number of administrative matters under the Municipal Elections Act in order to conduct any Special Elections including appointment of the Returning Officer and other election officials, setting of fees and tariff for payment of election workers, setting of dates for advanced polls and direct the Returning Officer regarding the use of the electors list.

LEGISLATIVE AUTHORITY

On December 11, 2012 Halifax Regional Municipality Regional Council approved, that all budget increases are to be presented to the Audit and Finance Standing Committee, prior to submission to Council.

Halifax Charter, Section 93(1) - The Council shall make estimates of the sums that are required by the Municipality for the fiscal year; Halifax Charter, Section 79(1) - Specifies areas that the Council may spend money required by the Municipality; Halifax Charter, Section 35(2)(d)(i) - The CAO can only authorize expenditures budgeted or within the amount determined by Council by policy; Halifax Charter, Section 120(6) - The Municipality may maintain other reserve funds for such purposes as the Council may determine; and the Halifax Regional Municipality Reserve Policy - No reserve funds will be expended without the CAO's recommendation and Council approval.

The Reserves Policy is part of the Multi-Year Financial Strategy whereby "each Reserve will have a specific Business Case developed by the appropriate Director in conjunction with the Director of Financial Services" and that "reserve funding is incorporated into a financial plan as an integral part of the operating and capital budgets".

Municipal Elections Act of Nova Scotia, specifically Section 13 defines the rules surrounding conducting Special Elections.

Recommendations continued on Page 2

RECOMMENDATION

It is recommended that the Audit & Finance Standing Committee recommend that Regional Council:

1. authorize the withdrawal from election reserve account Q313 to A125 for the sum of \$170,000 to conduct the a single district Special Election in the event one is required. Should an at-large or multiple district Special Election be required, the election office will provide a subsequent report to the Audit & Finance Standing Committee informing them of new budget requirements.

It is recommended that Halifax Regional Council:

1. appoint Lori A. McKinnon, Election Coordinator, as the Returning Officer to conduct Special Elections as required.
2. direct the Returning Officer to use the permanent register of electors of the Province of Nova Scotia, Elections Nova Scotia and direct the Municipal Clerk to execute an Information Sharing Agreement with Elections Nova Scotia as negotiated on an as needed basis on behalf of the municipality.
3. delegate duties and responsibilities as provided for under the Municipal Elections Act as follows:
 - (1) To the Returning Officer: Fix the dates for alternative voting advanced polls;
 - (2) To the Municipal Clerk: Appoint Assistant Returning Officer(s) as required;
 - (3) To the Municipal Clerk: Make, revise and amend the tariff of fees and expenses and provide for the method of rendering and verifying accounts for payment.
4. utilize *both* e-voting and in-person¹ polls *for the entire period of advanced polls* and retaining in-person polls only for Polling Day.

BACKGROUND

The Municipal Elections Act of Nova Scotia (the Act), Section 4 (1), requires that Council appoint the Returning Officer to conduct a Special Elections. The same section provides that the Returning Officer may be the Municipal Clerk, another municipal employee or another person who is not a municipal employee.

Certain duties required under the Act may be delegated by Council to the Chief Administrative Officer (CAO), Municipal Clerk or Returning Officer in order to better facilitate the conduct of the election. Section 30 (1) of the Act requires Regional Council, by resolution on or before the fifteenth day of April, to direct the Returning Officer in regard to the List of Electors to be used for the purpose of the Municipal Election. In the case of Special Elections, specific dates associated with acquisition of the List of Electors are relative to dates for Polling Day.

The Act, Section 139, further requires that all reasonable and necessary fees and expenses incurred while conducting an election shall be paid by the Municipal Clerk out of the funds of the municipality as authorized by Council.

¹ In-person poll refers to voters casting a paper ballot

Section 146A of the Act bestows Council with the legislative authority to select the method and system of voting. Council's role is to approve voting method(s), election budget, and election by-law to ensure that the method and system of voting are able to deliver fair elections and accurate results.

DISCUSSION

This report is before the Audit and Finance Standing Committee and Regional Council in order to ensure that, due to the short time lines associated with conducting a Special Election (11 weeks), as many administrative measures as possible are taken to prepare for any Special Election(s) in advance of the 2016 regular Municipal and School Board Election.

The Election Office is proposing, should a Special Election be required, a withdrawal from the Election Reserve (Q313) be used to fund the election. The Election Reserve was established to provide funding for the regular Municipal and School Board elections which occur once every 4 years. Additionally, in the event of special elections during this period, it will be necessary to withdraw funds from the reserve to carry out those activities. Annual transfers to reserves ensure that sufficient funds are available and extraordinary effort is not required to allocate that money in an election year.

Section 4(1) of the Act directs Council to 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 the Act.

Several amendments to the Act passed in the fall 2011 sitting of the Nova Scotia Legislature allow Council to delegate specific duties, as outlined in the recommendations section of this report, to the CAO or Municipal Clerk.

Section 4(1A) allows Council to delegate its power to appoint Assistant Returning Officers to either the Clerk or the Chief Administrative Officer. Section 139(1A) allows Council to 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 to the Municipal Clerk or CAO. Finally, section 114(4A) permits Council to delegate its authority to fix days for the advanced poll to the Returning Officer.

These duties are administrative functions that enable the Municipal Clerk and Returning Officer to conduct the election in accordance with the Act and direction of Council. Without delegation of duties each would require a subsequent report and motion of Council. In the event of a vacancy, Council must meet within 4 weeks and are tasked to affix the date for Polling day (Saturday) which must occur no later than 11 weeks post-Council meeting (Section 13(1, 2)).

Election staff are recommending that, should any Special Election be required prior to October 2016 that Council utilize both e-voting and in-person polls for the entire period of the advanced polls and retain in-person polls only on Election Day. This option is recommended as it provides convenience and access for voters within reasonable cost and risk to conducting a Special Election.

Should Council wish to consider other alternatives the Election Office has prepared budget estimates for a number of alternative approaches for delivering Special Elections as provided for in Attachment A of this report. All options provided comply with the legislative requirements for conducting Municipal and School Board Elections and are within the projected budget as set out in the Municipal Election Reserve (Q313).

Final election costs will be determined based on a number of factors such as the value of the contract for e-voting services (based on RFP), per diem rates for election day staff, number of eligible electors on the electoral list received from Elections Nova Scotia, as well as other logistics and factors such as postage rates, and will be within the budget of \$170,000 as provided for by Council through the Election Reserve

Q313.

Costs for conducting a Special Election have increased (over the most recent in 2009) primarily due to the increased geographic size and related increase in number of voters in each polling district as well as higher postage costs.

FINANCIAL IMPLICATIONS

The final costs for the provision of voting options will be determined through:

- The Option selected by Council
- An RFP and contract with e-voting proponent (if required); and
- The further detailed election planning process

Q313 - Municipal Election Reserve- Financial Summary

Balance, March 31, 2015	1,455,629
Less: Balance of commitments (citizen engagement) at 3/31/15	(38,867)
Net available, March 31, 2015	1,416,762
Budgeted contributions to March 31, 2016	400,000
Anticipated Interest to March 31, 2016	17,394
Projected balance March 31, 2016	1,834,190
Projected balance June 30, 2016	1,939,156
Special Election Withdrawal (if required)	(170,000)

This budget estimate is based on a cost of \$8/eligible voter. The current rate of contribution to the Reserve will provide adequate funding for this approach and sufficient funds for the 2016 Municipal and School Board Elections. It may require adjustments during the 2016/17 budget process depending on the timing of any Special Election.

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

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

ALTERNATIVES

Council may choose not to delegate the duties and would require subsequent reports to Council to approve the appointment of Assistant Returning Officer(s), dates of advanced polls and rates of pay for election workers.

Council may choose to delegate some of the duties. This approach would require subsequent reports to Council to approve the duties that were not delegated.

Council may choose from a number of methods that comply with the Act for delivering a Special Election.

Alternative options include:

- 1) Offer *solely* in-person polls for advanced and ordinary polling day

- 2) Utilize *only* e-voting for *advanced polls* and retain in-person polls for polling day (as in the 2012 Municipal and School Board Elections)
- 3) Utilize *both* e-voting and in-person polls *for the entire period of advanced polls* and retain in-person polls only for polling day but require "registration" for use of e-voting. Only electors who sign up prior to a pre-determined cut-off date will be permitted to vote using the e-voting method. All other qualified electors will be able to vote in-person via paper ballot.

These are not the recommended alternatives as they either decrease convenience/access to voters or increase the cost and/or risk to conducting a Special Election.

ATTACHMENTS

Appendix A – Alternative Election Option Descriptions

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

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Report Approved by:

Cathy Mellett, Municipal Clerk, 902.490.6546

Financial Approval by:

Original Signed

Greg Keefe, Director of Finance & ICT/CFO, 902.490.6308

Alternative Election Option Descriptions

Alternative #	Description	Comments
1	<ul style="list-style-type: none"> Paper Ballot only for Advance and Election Day Polls No Electronic Voting Offered 	<ul style="list-style-type: none"> Polling location staff required: 83 Projected Budget: \$125,000
2	<ul style="list-style-type: none"> Advance poll Electronic Voting for period designated by the Returning Officer In person Paper Ballot Advance Polls not offered In person Paper Ballot only on Election Day 	<ul style="list-style-type: none"> Assumption: 60% of voters will use electronic voting Polling location staff required: 80 Projected Budget: \$170,000
3	<ul style="list-style-type: none"> Advance poll Electronic Voting for period designated by the Returning Officer In person Paper Ballot Advance Polls for period designated by the Returning Officer In person Paper Ballot only Election Day 	<ul style="list-style-type: none"> Only voters who sign up for electronic voting prior to a pre-determined cut-off date will be permitted to vote using this method. All other voters will be able to vote via paper ballot Assumption: 20% of voters will use electronic voting Polling location staff required: 86 Projected Budget: \$140,000