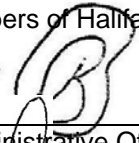


HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
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Item No. 11.1.3
Halifax Regional Council
November 10, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer
Original Signed by
Mike Labrecque, Deputy Chief Administrative Officer

DATE: October 23, 2015

SUBJECT: Special Election: District 6 - Harbourview - Burnside - Dartmouth East

ORIGIN

Resignation of Darren Fisher, Councillor for District 6 - Harbourview - Burnside - Dartmouth East due to his election to the House of Parliament.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c.39, section 14 regarding the resignation of a councillor, specifically section 14(1) which states: "The Mayor or a councillor may resign from office at any time by delivering to the Clerk a signed resignation and such a resignation is effective on delivery by the Clerk to the next meeting of the Council."

Municipal Elections Act, R.S.N.S. 1989, c. 300, section 13 regarding the rules for conducting Special Elections, section 114 establishing the dates for advanced polls, and section 146A allowing Council to enact a by-law for alternative voting.

By-law A-400, Respecting Alternative Voting

RECOMMENDATIONS

It is recommended that Halifax Regional Council:

1. Set the 2016 Special Election in District 6 - Harbourview - Burnside - Dartmouth East for Saturday, January 23, 2016; and
2. Set the dates for voting as follows:
 - a. Ordinary Polling Day be set for Saturday, January 23, 2016;
 - b. In person advanced polls be set for Saturday, January 16, 2016 and Tuesday, January 19, 2016; and
 - c. Alternative voting advanced polls be set to commence on Saturday, January 16, 2016 at 8:00am and be kept open until Thursday, January 21, 2016 at 7:00pm.

BACKGROUND

Mr. Darren Fisher being a successful candidate in the recent Federal Election has tendered his resignation from Regional Council. The Municipal Clerk's Office is in receipt of a letter confirming the vacancy and requesting a special election be held to fill the seat in District 6. Mr. Fisher's resignation becomes effective on delivery by the Clerk to the meeting of Council.

DISCUSSION

This report is before Regional Council to comply with the legislative requirements of the *Municipal Elections Act* with regard to Special Elections. Various administrative duties as outlined in legislation, as well as the method of voting were approved by Council on June 2, 2015.

The *Municipal Elections Act* requires that within four weeks after a vacancy occurs, Council name a day for a Special Election to fill the vacancy (section 13(1)(b)) and that the election will be held not more than eleven weeks after the meeting of the Council at which time the date for the election was set (section 13(2)).

The month of December is generally accepted as the holiday season in Nova Scotia. In order to ensure the greatest possible voter participation and comply with the requirement of the *Municipal Elections Act*, the date for the Special Election recommended by election staff is Saturday January 23, 2016.

Section 114 of the *Municipal Elections Act* provides that an advance poll shall be held on: Tuesday, the 4th day before ordinary polling day; and, one other day either Thursday, the 9th day before ordinary polling day or Saturday, the 7th day before ordinary polling day. The first advanced in person poll will be held on Tuesday, January 19, 2016 and it is recommended that the second advanced in person poll be held on Saturday, January 16, 2016.

Regional Council has passed By-law A-400 to permit internet and telephone voting. It is recommended that Council set the internet and telephone voting to run continuously from 8:00am Saturday, January 16 to 7:00pm Thursday, January 21, 2016.

There will be in person paper ballots only on Election Day.

FINANCIAL IMPLICATIONS

Regional Council approved a Special Election withdrawal from the Election Reserve at their meeting of June 2, 2015.

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

There is a legislated requirement to conduct a special election to fill this vacancy on Regional Council.

Council may set the second in person advanced poll for either Thursday the 9th day before ordinary polling day or Saturday, the 7th day before ordinary polling day. Staff are recommending Saturday, January 16, 2016. Council could also choose Thursday, January 14, 2016. This is not the recommend date as it could lead to elector confusion should in person voting start on a different day than alternative voting. In addition, beginning advance poll voting on Thursday will add some administrative complexity to readying polling locations.

ATTACHMENTS

None

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.

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Report Approved by: _____
Cathy Mellett, Municipal Clerk, 902.490.6546
