

# VILLAGE OF KINGSTON

## BY-LAW #1

### ELECTION BY-LAW

#### Title

1. This By-Law shall be entitled the "Election By-Law."

#### Definitions

2. In this By-Law:
  - a) "Act" means the Municipal Government Act, 1998.
  - b) "Advance Polling Day" means the Tuesday immediately preceding Election Day.
  - c) "Candidate" means a person who, at the close of nominations, has been nominated for election to the office of commissioner.
  - d) "Clerk" means the Clerk and Treasurer appointed by the commissioners, pursuant to the Act.
  - e) "Election Day" means the day commissioners are elected to office, being the first Saturday after the annual meeting of each year, and/or any such other day as may be required by the commissioners, pursuant to Section 411(1)(a) of the Act.
  - f) "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.
  - g) "Nomination Day" means the third Wednesday preceding Election Day.
  - h) "Nomination Period" means the period from and including the two (2) weeks preceding Nomination Day.
  - i) "Returning Officer" means a person appointed by the Commission of the Village of Kingston to conduct all regular and special elections required under these by-laws.



- j) "Special Election" means an election held pursuant to subsection 4.03 to fill a vacancy on the commission.
- k) "Village" means the Village of Kingston, Kings County, Nova Scotia.

## **Nominations**

- 3.1 No person shall be eligible for election to the office of commissioner of the Village unless that person has been nominated as a candidate, in accordance with this by-law, by not less than five persons who, on Nomination Day, were qualified electors within the meaning of the Municipal Government Act, section 403.
- 3.2 All nominations shall be in writing in Form "A" attached and shall be filed with the Clerk at the village office on a business day during the Nomination Period between the hours of eight (8:00) o'clock in the forenoon and four (4:00) o'clock in the afternoon.
- 3.3 The Returning Officer shall advertise in a newspaper circulating 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 Day.
- 3.4 No nomination shall be valid or accepted by the Clerk 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.
- 3.5 Before four o'clock in the afternoon of the day after Nomination Day, a candidate may appear in person or by his official agent before the Clerk and file with him a declaration signed by either of them that he withdraws as a candidate, whereupon he shall be deemed not to have been nominated.
- 3.6 If a candidate dies before the close of nominations on Nomination Day, he shall be deemed not to have been officially nominated.
- 3.7 If, upon the Annual General Meeting, no nomination papers have been filed with the Village Office, the chair of the village may call for nominations from the floor at the Annual General Meeting, or proceed to call a special meeting, pursuant to Section 411(1)(a) of the Act, for the purpose of filling the vacancy.

## **Vacancy**

- 4.1 Subject to subsection 4.5, 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, a special election shall be held on a date set by the Returning Officer.



- 4.2 The day fixed for the special election shall be a Saturday not more than 30 days after the vacancy occurs.
- 4.3 A special election shall be conducted as nearly as may be in accordance with the provisions governing regular elections.
- 4.4 A commissioner elected at a special election shall hold office from the time when he takes his oath of office until his 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.
- 4.5 Notwithstanding subsection 4.1, a vacancy need not be filled until the next annual meeting or the election held in accordance with the election by-laws 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 village commission determines otherwise.

## **Elections**

- 5.1 Elections for the office of commissioner shall take place on Election Day 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 day between the hours of eleven o'clock (11:00) in the forenoon and seven o'clock (7:00) in the afternoon.
- 5.2 The Returning Officer for the advance poll and the election may appoint such persons as deputy returning officers, 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.
- 5.3 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 shall advertise, in a newspaper circulating in the village, at least two (2) weeks prior to the advance polling day, a notice of:
  - a) The date of election day and of advance polling day, and the hours of polling at each; and,
  - b) The location of the various polls.
- 5.4 Any elector who expects to be unable to vote on election day may vote on the advance polling day at an advertised poll.
- 5.5 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. All candidates' names shall appear on the ballot papers. 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.



## **Procedure at Completion of Vote**

- 6.1 Upon the completion of the voting, the Clerk, and each of the two scrutineers, shall open the ballot box and examine the ballot papers and proceed to count the votes.
- 6.2 The candidate obtaining the greatest number of votes at an election shall be deemed to have been elected to the vacant office of commissioner having the longest term, and the candidate having the second greatest number of votes shall be deemed to have been elected to the vacant office of commissioner having the second longest term, and so on.
- 6.3 After the votes are counted the Clerk and Treasurer shall make up a written statement containing the following particulars:
  - a) the number of votes polled;
  - b) the names of the persons receiving votes and the number of votes received by each person.
- 6.4 The statement shall be signed by the Clerk and filed with the minutes of the meeting.
- 6.5 When there is a tie at an election of a village commissioner, the Clerk and Treasurer shall determine the successful candidate by lot as prescribed by the Municipal Elections Act.

## **Vote Recount**

- 7.1 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 chair of the village and the elector, proceed to recount the votes.
- 7.2 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.

## **Repeal**

- 8.1 The Nomination Day/Election Process By-Law is repealed.



## Form A

WE, the undersigned qualified electors of the Village of Kingston, within the meaning of the Municipal Government Act, S.N.S., 1998, hereby nominate \_\_\_\_\_ of \_\_\_\_\_, as a candidate for the office of Commissioner of the Village of Kingston for the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

### SIGNED:

Signature	Name (Print)	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

### CONSENT AND OATH OF CANDIDATE

I, the undersigned, do solemnly declare (or affirm) that:

- I, \_\_\_\_\_, named in the foregoing nomination paper, consent to the nomination.
- I am a Canadian citizen and am of the full age of eighteen (18) years.
- I have for a period of at least six (6) months, immediately preceding Election Day, been ordinarily resident in the area now comprising the Village of Kingston.
- I will accept this office of Commissioner if elected.

SWORN (or affirmed) before me \_\_\_\_\_  
CLERK/TREASURER

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_  
CANDIDATE

