



Village of Baddeck

By-Law 2023-03

Title: 2023-03 Elections By-Law

03.01 Interpretation

1. In this by-law:
 - a. "advance polling day" means the Tuesday immediately preceding election day;
 - b. "candidate" means a person who, at the close of nominations, has been nominated for election to the office of Commissioner;
 - c. "election day" means the day one or more Commissioners are elected to office;
 - d. "elector" means a person resident with 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



- e. “nomination period” means the period from and including the fifth Thursday preceding election day to and including the fourth Thursday preceding election day;
- f. “returning officer” means a person appointed by the Commission to conduct all regular and special elections required under these by-laws; and
- g. “special election” means an election held pursuant to 03.03 to fill a vacancy of the office of Commissioner.

03.02 Nominations

1. The Village Manager shall take, or appoint a designee to take, the position of returning officer for a nomination period and election.
2. A person is eligible for election to the office of Commissioner who: The Village Manager shall take, or appoint a designee to take, the position of returning officer for a nomination period and election.
 - Has been nominated by not less than five electors;
 - Is a Canadian citizen;
 - Is of the full age of eighteen years; and
 - Has, for a period of six months immediately preceding the date of nomination, been ordinarily resident in the area comprising Village of Baddeck and continues to so reside.
3. All nominations shall be in writing on Form “A” (enclosed herein) and shall be filed with the returning officer at the Village Office, 492 Chebucto Street, Baddeck, on a business day during the nomination period between the hours of 8:30am and 4:30pm.
4. The returning officer shall advertise notice of the date, place, and time for the nomination of candidates in several locations in Baddeck at least 14 days prior to the nomination period.
5. No nomination shall be valid or accepted by the returning officer unless it has been completed and signed by the candidate. Only the names of those duly nominated shall appear on the ballots as candidates for election.
6. Where no more than the number of candidates authorized to be elected are officially nominated and as a result no poll is granted, the returning officer shall declare the nominated candidate(s) duly elected as of the first meeting of the Commission after ordinary polling day or, in the case of a special election where holding a poll is no longer necessary, as of the next meeting of the Commission.



7. Before 4:00pm of the day after nomination day, a candidate or a candidate's official agent may appear in person before the returning officer and file a declaration signed by either of them for withdrawal as a candidate.
8. If a candidate dies before the close of nominations on nomination day, the candidate shall be deemed not to have been nominated.

03.03 Vacancy

1. Subject to 03.03.5, within 30 days after a vacancy occurs in the office of Commissioner because of 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.
2. The date fixed for a special election shall be a Saturday not more than 30 days after the vacancy occurs.
3. A special election shall be conducted as nearly as may be in accordance with the provisions governing regular elections.
4. A Commissioner elected at a special election shall hold office from the time when a prescribed oath of office is taken until a 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.
5. Notwithstanding 03.03.1, a vacancy need not be filled until the next annual meeting of electors or the election held in accordance with nomination and election by-laws immediately following the next annual meeting of electors if the vacancy occurs within six months of the next annual meeting of electors unless the Minister determines otherwise.

03.04 Elections

1. Elections for the office of Commissioner shall take place on Election Day between the hours of (9:00am and 7:00pm and on the advance polling day between the hours of 11:00am and 7:00pm.
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.
3. Voting for the office of Commissioner shall be held at such place(s) in Baddeck, to be called poll(s), as may be designated by the returning officer.



Village of Baddeck
492 Chebucto Street
Unit 5, P.O. Box 63
Baddeck, Nova Scotia B0E 1B0

4. The returning officer shall advertise public notice of the date, place, and time of election day and of advance polling day in several locations in Baddeck at least 14 days prior to the advance polling day.
5. Any elector who expects to be unable to vote on election day may vote on the advance polling day at an advertised poll.
6. 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 for 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.

03.05 Procedure at Completion of Vote

1. Upon the completion of voting on election day, the returning officer, in the presence of two scrutineers, shall upon the ballot box, examine the ballot papers, and proceed to count the votes.
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.
3. After the votes are counted the returning officer shall make up a written statement containing the number of votes polled, the names of the persons receiving votes, and the number of votes received by each candidate. The statement shall be signed by the returning officer and filed with the minutes of the next meeting.
4. The provisions of Sections 64, 65, 66, 67, 69, 70, 83, 84, 85, 86, 89, 90, 91, 93, 95, 96, 97, 98, 100, 101, 102, 103, 105, 108, 109, 116, 117, 119, 120, 121, 122, and 123 of the Municipal Elections Act, C. 300 R.S.N.S, 1989, where not inconsistent with this by-law or the Municipal Government Act, shall, with respect to procedure for balloting, the conduct of the election, and the procedure at an advance poll, apply mutatis mutandis.
5. When there is a tie at an election for the office of Commissioner, the returning officer shall determine the successful candidate by lot as prescribed by the Municipal Elections Act.



Village of Baddeck
492 Chebucto Street
Unit 5, P.O. Box 63
Baddeck, Nova Scotia B0E 1B0

03.06 Vote Recount

1. If, within three days after the election, an elector requests a recount of the votes cast at the election, the Village Manager shall schedule a date and time within three days to recount the votes at the Village Office and shall, at the date and time scheduled, in the presence of no less than one Commissioner and the requesting elector, proceed to recount the votes.
2. As soon as the result of the poll is ascertained, the returning officer 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.

APPROVED BY

Signature

2023-05-16

Date





Village of Baddeck
 492 Chebucto Street
 Unit 5, P.O. Box 63
 Baddeck, Nova Scotia B0E 1B0

FORM A – Nomination Form for Office of Commissioner

Endorsement of Electors

We, the undersigned qualified electors of Village of Baddeck, within the meaning of the Municipal Elections Act, Section 14, and the Municipal Government Act, Section 403, hereby nominate _____ of Baddeck, Nova Scotia, as a candidate for the office of Commissioner of Village of Baddeck. The election is to be held on the _____ day of _____, _____.

Name	Signature	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Consent and Oath of Candidates

I, the undersigned candidate, named in the foregoing nomination form, do solemnly swear (or affirm) that I:

consent to the nomination;

will be the full age of eighteen (18) years on the first advance polling day;

will be a Canadian citizen on the first advance polling day;

am a resident with the village entitled to be registered on the list of electors and to vote at a municipal election and will have resided in the village for at least six months immediately prior to the first advance polling day of the village election; and

will accept the office of Commissioner if duly elected.

Sworn(or affirmed) before me)
 this _____ day of)
 _____, _____)
 _____)
 _____)
 Commissioner of the Supreme)
 Court of Nova Scotia)

 Candidate