PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ELECTION ACT

PLEASE NOTE

This document, prepared by the ***Legislative Counsel Office***, is an office consolidation of this Act, current to May 29, 2026. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*** on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca

ELECTION ACT

Table of Contents

Section		Page
INTERPRETATION		**9**
1.	Definitions	9
THE CHIEF ELECTORAL OFFICER		**11**
2.	Chief Electoral Officer	11
3.	Powers and duties of Chief Electoral Officer	12
3.1	Power to enter into contracts or other agreements	13
4.	Chief Electoral Officer, responsible to	13
4.1	Powers of the Lieutenant Governor are not affected	14
4.2	Alternate day	14
5.	Election instituted, procedure	15
5.1	By-election instituted, procedure	15
WRITS OF ELECTION		**15**
6.	Issue and transmission of writ of election	15
7.	Returning officer, appointment of substitute	15
8.	Withdrawal of writ	16
RETURNING OFFICERS		**16**
9.	Appointment of returning officers	16
ELECTION CLERKS		**17**
10.	Election Clerk, appointment	17
11.	Oath of office	18
12.	Term of office	18
13.	Duties of election clerk	18
HEADQUARTERS OF RETURNING OFFICER		**18**
14.	Headquarters of returning officer	18
ELECTION OFFICERS		**19**
14.1	Appointment of election officers	19
PROCLAMATION		**20**
15.	Proclamation	20
POLLING DIVISIONS		**20**
16.	Division of electoral district into polling divisions	20
17.	Errors in statement of polling divisions	20
18.	Constitution of polling division	21

ELECTION SUPPLIES **21**
19. Transmission of supplies to returning officer 21

QUALIFICATIONS FOR ELECTORS **21**
20. Inclusion on list of electors 21
21. Persons not eligible as electors 21

DETERMINING RESIDENCE **22**
22. Place of ordinary residence 22
23. Lodgings or charitable institution, persons in 22

REGISTRATION OF PARTIES **24**
24. Register of political parties, application for registration 24

REGISTER OF ELECTORS **25**
24.1 Establishment 25
24.11 Information about 16 and 17 year olds 27
24.12 Public bodies to provide information 27

LIST OF ELECTORS **27**
24.2 List of electors 27

CONFIRMATION RECORDS **28**
24.3 Confirmation records 28

CONFIRMATION OFFICERS **28**
25. Nomination of confirmation officers 28
26. Appointment of confirmation officers 29
27. Dismissal and replacement 30
28. Instruction of confirmation officers 30
29. Confirmation officers to act jointly 30
30. Enumerators to ensure records correct 31

CONFIRMATION OF ELECTORS **31**
31. Commencement of confirmation 31
32. Commencement of confirmation 31
33. Duties 32

DUTIES OF RETURNING OFFICER ON RECEIVING CONFIRMATION RECORDS **33**
34. Duties of returning officer 33

REVISION OF REGISTER **33**
34.1 Revision of Register, duties 33

MAIL-IN BALLOTS **33**
35. Mail-in ballot voting rules, Schedule 2 33

NOMINATION OF CANDIDATES **34**
36. Qualifications of candidates 34
37. Who may nominate candidates 34
38. Nomination in only one electoral district 34
39. Nomination paper when not invalid 34
40. Nomination day 35
41. Making changes in nomination papers 35
42. Disposition of deposit by Minister of Finance 35

WITHDRAWAL OF CANDIDATE **36**
43. Withdrawal by candidate ... 36
44. False statement of withdrawal of candidate ... 36

DEATH OF A CANDIDATE **36**
45. Death of candidate, before close of nominations ... 36

ACCLAMATION **37**
46. Election by acclamation ... 37

GRANT OF POLL **37**
47. Grant of poll ... 37

HOURS OF POLL **38**
48. Hours poll open ... 38

DEPUTY RETURNING OFFICERS AND POLL CLERKS **38**
49. Registered party nominees for election officers ... 38
50. Poll clerk, appointment and oath ... 38
51. List of deputy returning officers ... 38

BALLOT BOXES AND BALLOT PAPERS **39**
52. Ballot boxes ... 39
53. Ballot papers, printing ... 39
54. Ballot papers printed on white paper, names alphabetically arranged ... 40
55. Delivery of supplies to deputy returning officer ... 40

POLLING STATIONS **41**
56. Polling stations, for each polling division ... 41
57. Polling station to bear number of polling division ... 41

LEVEL ACCESS POLLING STATIONS **42**
58. Requirements for polling station ... 42

PERSONS PRESENT IN POLLING STATION **42**
59. Who may be present in polling station ... 42
60. Agent of candidate ... 42
61. Candidate may undertake duties of his agent ... 42

OFFICIAL LIST OF ELECTORS **42**
62. Official list of electors, use of ... 42
63. Provision of additional polling stations ... 43

PROCEEDINGS AT THE POLL **43**
64. Proceeding at the poll, prior to opening of polling station ... 43
65. Proceeding after opening polling station ... 44
65.1 Proof of identity and residence by elector ... 45
65.2 Elector unable to enter polling station ... 45
66. Elector how to vote ... 46
67. Incapacitated elector, voting procedure ... 46
68. Where ballot paper spoiled ... 46
69. Where name etc. on official list similar to that of elector ... 47
70. Elector may vote where other person voted as such voter ... 47
70.1 Election officer to enter particulars in poll book ... 47
70.2 Closing of polling location ... 47

HOSPITALS, COMMUNITY CARE FACILITIES AND NURSING HOMES POLLING STATIONS 48

71. Establishment of polling station in hospital....48
71.1 Establishment of polling station in community care facility or nursing home....48
71.2 Voting procedure for bedridden patients or persons....49
72. Poll clerk to enter particulars in poll book....49
73. Voting after closing time....49

WHO MAY VOTE ON ORDINARY POLLING DAY 49

74. Persons who may vote at polling station....49

COUNTING AND REPORTING THE VOTES 50

75. Duties of deputy returning officer after poll closed....50
76. Rejection of ballots....50
77. Objections to ballots, procedure....51
78. Ballot found with counterfoil attached....51
79. Duties of deputy returning officer after counting ballots....51
79.1 Use of alternative voting and vote counting equipment....52

SAFEKEEPING OF THE BALLOT BOX 53

80. Safeguarding ballot boxes....53

TIME OFF FOR VOTING 53

81. Employee to have time off for voting....53

ADVANCE POLLS 53

82. Advance polling stations advance polls....53
83. Advance polls - eligible elector....54
84. Election officer to keep record....54
85. Advance poll, list of voters....55
86. Affixing seals to ballot box at close of poll....55

DETERMINATION DAY 55

87. Count of votes,....55
88. Alternative procedure for counting votes....55
89. Sealing ballet box after counting votes....56
90. Conclusion of official addition, duties of returning officer....56

RECOUNT BY RETURNING OFFICER 56

90.1 Recount by returning officer....56

JUDICIAL RECOUNT 57

91. Recount of ballots, petition and procedure....57
92. Notice to candidates....58
93. Summoning returning officer and election clerk to attend....58
94. Who may be present at recount....58
95. Recount by judge from certain materials....58
96. Final addition to proceed continuously....58
97. Procedure for counting ballots....59
98. Judge to seal ballot papers in envelopes....59
99. Review of decisions of returning officer....59
100. Judge to certify recount....59
101. Where judge finds tie vote....59
102. Casting vote by returning officer....59
103. Results not altered by recount, costs....59
104. Assessment of costs....59
105. Security moneys, distribution....59

106. Application to Supreme Court where judge refuses to comply ... 60
107. Filing of affidavits in reply ... 60
108. Order of Supreme Court on application ... 60
109. Judge to carry out directions of order ... 60

DECLARATION DAY **61**

110. Declaration of election, transmission of ... 61
111. Delay where recount ... 61
112. Returning officer to transmit documents to Chief Electoral Officer ... 61
113. Notice of candidate's election in Gazette ... 61

RETENTION OF DOCUMENTS **61**

114. Chief Electoral Officer to retain papers ... 61
115. Inspection of election documents ... 61

SECRECY **62**

116. Secrecy of voting, responsibility for ... 62
117. Offences ... 62

PEACE AND GOOD ORDER **62**

118. Peace and good order at an election, provisions for ... 62

REPORT OF THE CHIEF ELECTORAL OFFICER **62**

119. Report of Chief Electoral Officer to Speaker of Legislative Assembly ... 62

FEES AND EXPENSES **63**

120. Tariff of fees and expenses ... 63

QUALIFICATIONS OF ELECTION OFFICERS **63**

121. Election officers to be qualified electors ... 63
121.1 Qualified election poll workers ... 63
122. Manner of giving notice ... 63

OATHS AND AFFIRMATIONS **63**

123. Who may take oaths ... 63

HOLIDAYS AND TIME **64**

124. Changing of time and notice by Chief Electoral Officer ... 64

OFFENCES **64**

125. Offences ... 64
126. Giving money or other consideration ... 64
127. Exception to section 126 ... 65
128. Publishing false statement ... 65
129. Offences ... 65
129.1 Offences, use of list of electors ... 65
130. Offences, intimidation, duress etc. ... 66
131. Offences by candidates ... 66
132. Interfering with notices, offences ... 66
133. Offences by election officers ... 66
134. Offences, supporting of candidate on polling day ... 66
134.1 Offence ... 67
135. Acting in disorderly manner, offences ... 67
136. *Summary Proceedings Act* to apply ... 67
137. Penalties ... 67
138. Penalties for attempts or aiding, abetting, counselling ... 67
139. Ground of privilege not to apply ... 67

140. Proof of certain matters not required 68

CORRUPT PRACTICES 68

141. Corrupt practices under *Controverted Elections (Provincial) Act* 68
142. Additional punishment for conviction of corrupt practices 68
143. Candidate guilty of corrupt practice, election void 68
144. Witness convicted of perjury, disqualification of candidate to cease 69

MISTAKES OF FORM 69

145. Election not to be declared invalid for certain noncompliances 69

AMENDMENTS 69

146. Consolidation of amendments 69

SCHEDULE 1 71

WRIT OF ELECTION 71

FORM 4 - FORM OF BALLOT PAPER 73

SCHEDULE 2 75

MAIL-IN BALLOT VOTING RULES 75

1. Definitions 75
2. Administration by Chief Electoral Officer 75
3. Mail-in ballot form 76
4. Canadian forces elector 76
5. Completion of statement of ordinary residence 76
6. Voting limited to electoral district of ordinary residence 76
7. Procedure 76
8. Elector qualified to vote pursuant to rules 76
9. List of electors, inclusion on 76
10. Offence 77
11. Additional information 77
12. Application approval 77
13. Casting of vote 77
14. Ballot paper to be sealed in envelopes 77
15. Return envelope to Chief Electoral Officer 77
16. Receipt of mail-in ballot date 77
17. Onus on elector to deliver application 77
18. Entitlement of persons in correctional institutions to vote 78
19. Application to be validated 78
20. Coordinating officer 78
21. Special instructions for rules 78
22. Deadlines for mail-in ballot papers 79
23. Envelope to bear date and time received 79
24. Safekeeping of mail-in ballot envelopes 80
25. Mail-in ballot not accepted 80
26. Counting of mail-in ballots 80
27. Offences 80
28. Offences 81
29. Validity of election not affected by non-compliance 81

ELECTION ACT
CHAPTER E-1.1

INTERPRETATION

1. Definitions

In this Act

(a) "**address**", in relation to the location of a place of residence, office, polling station or other fixed location, includes the postal code assigned to the area in which the place of residence, office, polling station or other fixed location is located;

(b) "**advance poll**" means a poll held as provided by sections 82 to 86;

(b.1) "**agent**" means a qualified elector who represents a candidate at a polling station and who must meet the criteria as indicated in section 60;

(c) "**ballot**" means the portion of a ballot paper that has been marked by an elector and deposited in the ballot box;

(d) "**by-election**" means an election other than a general election;

(e) "**cancelled ballot paper**" means a ballot paper marked cancelled under section 68;

(f) "**candidate**"

(i) before the close of nominations on nomination day, means a person who has been officially nominated as a candidate under section 37, and

(ii) after the close of nominations on nomination day, means a person who has been officially nominated as a candidate under section 40;

(f.01) "**clear**" means that, in the calculation of a period of time expressed as clear days or weeks, or as "at least" or "not less than" a number of days or weeks, the first and last day or week are excluded from the calculation;

(f.1) "**confirmation officer**" means a confirmation officer appointed under section 26;

(f.2) "**confirmation record**" means a confirmation record referred to in section 24.3;

(f.3) repealed by 2021,c.21,s.1(c);

(g) repealed by 2021,c.21,s.1(d);

(h) "**date of the writ**" means the date shown on the writ pursuant to section 5;

(h.1) "**deferred election**" means the continuation of a general election or a by-election after the writ was withdrawn under section 8 or after the revocation of a grant of poll under section 45;

(i) "**during an election**" or "**at an election**" or "**throughout an election**", in respect of an election in any electoral district, means the period commencing with the date of the writ for that election and terminating on polling day or, where the writ is withdrawn or deemed to be withdrawn pursuant to section 8, terminating on the day that the writ is withdrawn or deemed to be withdrawn;

(j) "**election**" means an election held in an electoral district to elect a member to serve in the Legislative Assembly;

(k) **"election documents"** means the documents or papers approved by the Chief Electoral Officer for use in an election, but does not include a ballot paper;

(l) "**election officer**" means the Chief Electoral Officer, Deputy Chief Electoral Officer, and every returning officer, election clerk, and election officer appointed under section 14.1 of this Act;

(m) "**election petition**" means a petition presented in pursuance of the *Controverted Elections (Provincial) Act* R.S.P.E.I. 1988 Cap. C-22;

(n) "**elector**" means a person entitled to vote at an election;

(o) repealed by 2002,c.4,s.1;

(p) repealed by 2021,c.21,s.1(h);

(q) "**lawyer**" means a member in good standing of the Law Society of Prince Edward Island;

(r) "**level access**", in relation to any premises, means premises that are so located that a person may reach the premises from the street or roadway and enter the premises without going up or down any step, stairs or escalator;

(s) "**list of electors**" means the list of electors prepared by the Chief Electoral Officer from the Register of Electors, in electronic or paper format, for use at an election;

(t) "**member**" means a member of the Legislative Assembly;

(u) "**nomination day**" means the day on which nominations close as provided in this Act;

(v) "**official list of electors**" means the most recently updated list of electors prepared by the Chief Electoral Officer;

(w) "**ordinary polling day**" means the day fixed under section 5 for holding the poll at an election;

(x) "**ordinarily resident**" means ordinarily resident as defined by sections 22 and 23;

(x.1) "**poll book**" means a record prepared by the Chief Electoral Officer, in electronic or paper format, for use by election officers at an election;

(y) "**polling day**" or "**ordinary polling day**" means the day fixed pursuant to section 5 for holding the poll at an election;

(z) "**polling division**" means a geographical area in an electoral district approved by the Chief Electoral Officer;

(z.1) "**polling location"** means the building where one or more polling stations are located;

(aa) "**polling station**" means a polling station established under sections 56 to 58 and sections 71 and 71.1;

(bb) repealed by 2021,c.21,s.1(m);

(cc) repealed by 2021,c.21,s.1(n);

(dd) "**printed**" includes words or figures written, painted, engraved, lithographed, photographed or represented or reproduced by any mode for representing or reproducing words or figures in a visible form;

(ee) "**recount**" means a recount made under section 91;

(ee.1) "**Register**" means the Register of Electors established under subsection 24.1(1);

(ee.2) "**registered candidate**" has the same meaning as in the *Election Expenses Act* R.S.P.E.I. 1988, Cap. E-2.01;

(ff) "**registered party**" means a political party that is registered pursuant to section 24;

(gg) "**rejected ballot paper**" means a ballot paper that has been rejected pursuant to section 76;

(hh) repealed by 2021,c.21,s.1(p);

(ii) "**seal**" means a seal furnished by the Chief Electoral Officer to seal a ballot box;

(jj) "**voter**" means any person who has voted at an election;

(kk) "**writ**" means the writ of election issued under this Act. *1996,c.12,s.1; 2002,c.4,s.1; 2003,c.34,s.1; 2008,c.9,s.1; 2021,c.21,s.1.*

THE CHIEF ELECTORAL OFFICER

2. Chief Electoral Officer

(1) There shall be a Chief Electoral Officer who is an officer of the Legislative Assembly.

Appointment

(2) The Chief Electoral Officer shall be appointed by the Legislative Assembly

(a) on the recommendation of the Standing Committee on Legislative Assembly Management; and

(b) following a resolution of the Legislative Assembly supported by at least two-thirds of the members.

Seal, form

(3) The Chief Electoral Officer shall have a seal of a form approved by the Lieutenant Governor in Council.

Staff, composition

(4) The staff of the Chief Electoral Officer shall consist of such employees as may be required to perform the duties of the office.

Deputy Chief Electoral Officer

(5) There shall be a Deputy Chief Electoral Officer who is an officer of the Legislative Assembly.

Duties

(6) The Deputy Chief Electoral Officer shall

(a) assist the Chief Electoral Officer in the duties of that office; and

(b) have the same responsibilities and authority as the Chief Electoral Officer in the event that

(i) the Chief Electoral Officer is absent or unable to carry out those duties, or

(ii) the office of the Chief Electoral Officer is vacant.

Appointment

(7) The Deputy Chief Electoral Officer shall be appointed by the Legislative Assembly

(a) on the recommendation of the Standing Committee on Legislative Assembly Management; and

(b) following a resolution of the Legislative Assembly supported by at least two-thirds of the members.

Removal

(8) The Chief Electoral Officer or Deputy Chief Electoral Officer may be removed for cause by a resolution of the Legislative Assembly supported by at least two-thirds of the members.

Deemed appointment

(9) The person who, immediately before the coming into force of this section, holds office as the Chief Electoral Officer shall be deemed, on the coming into force of this section, to have been appointed as the Chief Electoral Officer under subsection (2).

Idem

(10) The person who, immediately before the coming into force of this section, holds office as the Deputy Chief Electoral Officer shall be deemed, on the coming into force of this section, to have been appointed as the Deputy Chief Electoral Officer under subsection (7). *1996,c.12,s.2; 2007,c.29,s.1; 2020,c.89,s.59(2).*

3. Powers and duties of Chief Electoral Officer

(1) The Chief Electoral Officer shall

(a) exercise general direction and supervision over the administrative conduct of elections;

(b) enforce fairness, impartiality and compliance with this Act on the part of election officers;

(c) issue to election officers the instructions that the Chief Electoral Officer considers necessary to ensure the effective execution of this Act;

(d) approve forms for the purposes of this Act;

(e) perform other duties assigned to the Chief Electoral Officer under this Act; and

(f) provide guidelines for the proper administration of this Act that the Chief Electoral Officer considers necessary for the guidance of official agents, political parties and their officers, candidates and potential candidates.

Special powers of Chief Electoral Officer

(2) If during the course of any election it transpires that insufficient time has been allowed, or insufficient election officers or polling stations have been provided, for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act, any mistake or miscalculation or any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act,

(a) extend the time for doing any act, including the hour for the opening or closing of an ordinary or advance polling station;

(a.1) direct the returning officer for an electoral district to

(i) defer the poll for the taking of the votes of electors on ordinary polling day in the whole of the electoral district, and

(ii) hold the poll for the taking of the votes of electors in the whole of the electoral district on one or both of the two days immediately following ordinary polling day, as the Chief Electoral Officer considers appropriate;

(a.2) direct the returning officer for an electoral district to

(i) adjourn the poll for the taking of the votes of electors on ordinary polling day in the whole of the electoral district, and

(ii) continue and complete the poll for the taking of the votes of electors in the whole of the electoral district on one or both of the two days immediately

following ordinary polling day, as the Chief Electoral Officer considers appropriate;

(b) increase the number of election officers;

(c) increase the number of polling stations;

(d) approve forms in addition to those set out in Schedule 1;

(e) modify a provision of this Act to permit its use at a by-election or a deferred election; and

(f) generally adapt the provisions of this Act, for the purpose of ensuring the execution of its intent, to existing circumstances.

Public education by Chief Electoral Officer

(3) The Chief Electoral Officer may implement public education and information programs to make the electoral process better known to the public, particularly those persons and groups most likely to experience difficulties in exercising their democratic rights.

Media information by Chief Electoral Officer

(4) The Chief Electoral Officer may, using any media or other means that the Chief Electoral Officer considers appropriate, provide the public with information relating to the provincial electoral process and the democratic right to vote and the requirements to be a candidate at an election. *1996,c.12,s.3; 2007,c.29,s.2; 2021,c.21,s.2.*

3.1 Power to enter into contracts or other agreements

(1) The Chief Electoral Officer may enter into contracts, memoranda of understanding or other arrangements in the name of the Legislative Assembly or in the Chief Electoral Officer's name in the exercise or performance of his or her powers, duties and functions under this Act or any other enactment.

Leases

(2) The Chief Electoral Officer may authorize a returning officer to enter into a lease in the Chief Electoral Officer's name, subject to any terms and conditions that the Chief Electoral Officer specifies.

Contracts and other agreements binding on Assembly

(3) Every contract, memorandum of understanding and arrangement entered into in the Chief Electoral Officer's name is binding on the Legislative Assembly to the same extent as it is binding on the Chief Electoral Officer. *2022,c.91,s.1.*

4. Chief Electoral Officer, responsible to

(1) In performing the duties of the position, the Chief Electoral Officer shall be responsible solely to the Legislative Assembly.

Delegation

(2) The Chief Electoral Officer may, in writing, delegate specified powers or duties of the Chief Electoral Officer to an election officer. *1996,c.12,s.4; 2021,c.21,s.3.*

4.1 Powers of the Lieutenant Governor are not affected

(1) Nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislative Assembly, by proclamation in the Sovereign's name, when the Lieutenant Governor sees fit.

Elections at four-year intervals

(2) Subject to the powers of the Lieutenant Governor referred to in subsection (1),

(a) a general election shall be held on Monday, October 3, 2011, unless a general election has been held, after the day in which this subsection comes into force and before Monday, October 3, 2011, because of a dissolution of the Legislative Assembly; and

(b) thereafter, general elections shall be held on the first Monday in October in the fourth calendar year following ordinary polling day in the most recent general election.

April general election, circumstances

(3) If the writ period for a general election to be held in accordance with clause (2)(b) overlaps with the writ period for a general election to be held pursuant to subsection 56.1(2) or section 56.2 of the *Canada Elections Act*, the general election shall be held on the fourth Monday in April, in the calendar year following the calendar year mentioned in clause (2)(b).

Writ period, defined

(4) In subsection (3), "writ period" means, in respect of a general election held under this Act, the period commencing on the date of the writ and ending on the date of the ordinary polling day. *2007,c.29,s.3; 2008,c.9,s.2; 2014,c.29,s.1; 2022,c.62,s.20.*

4.2 Alternate day

(1) Notwithstanding subsection 4.1(2), if the Chief Electoral Officer is of the opinion that a Monday that would otherwise be the date of ordinary polling day is not suitable for that purpose because it is a day of cultural or religious significance, or the day of a federal election, the Chief Electoral Officer shall choose an alternate day in accordance with subsection (3) and recommend to the Lieutenant Governor in Council that ordinary polling day should be that alternate day.

Order

(2) The Lieutenant Governor in Council may, on the recommendation of the Chief Electoral Officer pursuant to subsection (1), make an order changing the date of ordinary polling day to the alternate day recommended by the Chief Electoral Officer.

Idem

(3) The alternate day recommended under subsection (1) and set out in an order made under subsection (2) shall be one of the seven days following the Monday that would otherwise be ordinary polling day.

Regular general election, time for order

(4) In the case of a general election under subsection 4.1(2), an order under subsection (2) shall not be made after March 1 in the year in which the general election is to be held.

Gazette

(5) The Lieutenant Governor in Council shall cause a copy of any order made under subsection (2) to be published forthwith in the Gazette and in every daily newspaper in the province. *2007,c.29,s.3.*

5. Election instituted, procedure

(1) An election shall be instituted by the passing of an order of the Lieutenant Governor in Council which shall fix

(a) the date of the writ, which shall be the same for all writs issued for a general election; and

(b) the date of ordinary polling day, which shall be a Monday not more than 32 clear days and not less than 26 clear days from the date of the writ.

Application

(2) This section applies to all elections. *1996,c.12,s.5; 2007,c.29,s.4.*

5.1 By-election instituted, procedure

(1) Where a member's seat becomes vacant, a by-election shall be instituted by the passing of an order of the Lieutenant Governor in Council which shall fix

(a) the date of the writ, which shall not be more than six months from the date the seat becomes vacant; and

(b) the date of ordinary polling day, which shall be a Monday not more than 32 clear days and not less than 26 clear days from the date of the writ.

Exceptions

(2) A writ for a by-election

(a) shall not be issued during the last six months of the fourth year of the term of the Legislative Assembly as determined pursuant to section 5 of the *Legislative Assembly Act* R.S.P.E.I. 1988, Cap. L-7.1; and

(b) is deemed to be withdrawn on the dissolution of the Legislative Assembly.

Application

(3) Section 31 does not apply to a by-election under this section. *1999,c.7,s.1; 2007,c.29,s.5; 2020,c.89,s.59(3); 2021,c.21,s.4.*

WRITS OF ELECTION

6. Issue and transmission of writ of election

Upon receipt of a certified copy of the order of the Lieutenant Governor in Council the Chief Electoral Officer shall

(a) issue in Form 1 writs in accordance with the order; and

(b) cause the writs to be transmitted to the returning officers concerned. *1996,c.12,s.6.*

7. Returning officer, appointment of substitute

Where a returning officer

(a) refuses, neglects or is unable because of death or other cause to act;

(b) resigns; or

(c) is removed,

the Chief Electoral Officer may appoint another person as returning officer for that electoral district who shall act under a writ already issued as if it had been addressed to that person. *1996,c.12,s.7; 2021,c.21,s.5.*

8. Withdrawal of writ

(1) Where the Chief Electoral Officer certifies that by reason of fire, epidemic or other disaster it is impractical to carry out the provisions of this Act in an electoral district where a writ has been issued ordering an election, the Lieutenant Governor in Council may order the withdrawal of the writ, and a notice of the withdrawal shall be published by the Chief Electoral Officer in every daily print newspaper published in the province, and in the Gazette, and a new writ shall be issued within three months after the publication in the Gazette.

Duty of returning officer

(2) Where a new writ has been issued after a withdrawal of a writ under subsection (1),

(a) the returning officer shall issue a proclamation as provided in section 15, and recommence all the other proceedings for the deferred election as if the new writ had been received immediately following the withdrawal of the original writ; and

(b) a person who was nominated before the withdrawal of the writ, or nominated in accordance with sections 37 and 40 between the date of the new proclamation and 2 p.m. on the new nomination day, shall be deemed to have been duly nominated.

Eligibility of elector

(3) An elector is eligible to vote in a deferred election only if the elector

(a) is residing in the electoral district that is subject to the deferred election on ordinary polling day pursuant to the new writ; and

(b) did not cast a ballot in the original election according to the Register.

Eligibility of candidate

(4) For greater certainty, a candidate who has been nominated in another electoral district in the general election is not eligible for nomination in the electoral district that is subject to the deferred election. *1996,c.12,s.8; 2021,c.21,s.6.*

RETURNING OFFICERS

9. Appointment of returning officers

(1) There shall be one returning officer for each electoral district who shall be appointed by the Chief Electoral Officer, for the term determined by the Chief Electoral Officer.

Office vacant until appointment

(1.1) On the coming into force of this subsection, each office of a returning officer becomes vacant until a returning officer is appointed under subsection (1).

Reappointment permitted

(1.2) A returning officer is eligible for reappointment at the end of the term and upon the office becoming vacant under subsection (1.1).

Term of office of returning officer

(2) The office of a returning officer becomes vacant if the returning officer

(a) dies;
(b) resigns; or
(c) is removed from office under subsection (3).

Removal from office

(3) The Chief Electoral Officer shall remove from office any returning officer who
(a) is unable to act;
(b) fails to perform the duties of the office satisfactorily; or
(c) has, at any time after the appointment, in the opinion of the Chief Electoral Officer, engaged in politically partisan conduct, whether or not in the course of performance of the returning officer's duties under this Act.

Idem

(3.1) Repealed by 2021,c.21,s.7(5).

Publication of names of returning officers

(4) The Chief Electoral Officer shall publish in the Gazette in the month of January in each year the name and address of each returning officer, and the electoral district for which the returning officer has been appointed.

Oath of office

(5) On being appointed, a returning officer shall complete the oath of office in the form approved by the Chief Electoral Officer and transmit it to the Chief Electoral Officer.

Unable to act, notification

(6) A returning officer shall immediately notify the Chief Electoral Officer if the returning officer is unable to act.

No cause of action

(7) No cause of action for damages or relief of any kind arises or lies by reason of changes made to this section with respect to the appointment process or term of office of a returning officer.
1996,c.12,s.9; 2006,c.44,s.10; 2021,c.21,s.7.

ELECTION CLERKS

10. Election Clerk, appointment

(1) A returning officer, with the approval of the Chief Electoral Officer, shall appoint an election clerk in the form approved by the Chief Electoral Officer.

Vacancy in office

(2) If the office of election clerk becomes vacant, the returning officer shall appoint another election clerk.

Eligibility

(3) A returning officer shall not appoint as election clerk a person who is
(a) the returning officer's spouse, child, parent, brother, sister, uncle, aunt, niece, nephew, grandparent or grandchild; or

(b) the child, parent, brother, sister, uncle, aunt, niece, nephew, grandparent or grandchild of the returning officer's spouse. *1996,c.12,s.10; 2021,c.21,s.8.*

11. Oath of office

Upon appointment, an election clerk shall complete the oath of office in the form approved by the Chief Electoral Officer, and the returning officer shall transmit the oath to the Chief Electoral Officer. *1996,c.12,s.11; 2021,c.21,s.9.*

12. Term of office

An election clerk holds office until dismissed by the returning officer. *1996,c.12,s.12.*

13. Duties of election clerk

(1) An election clerk shall

(a) assist the returning officer in the performance of the returning officer's duties; and

(b) act in the place of the returning officer

(i) in the event of the returning officer's absence or illness,

(ii) on the returning officer's failure to perform the duties of that office, or

(iii) where the office of returning officer is vacant.

Powers when acting

(1.1) When acting in the place of the returning officer under clause (1)(b), an election clerk

(a) has the powers and shall perform the duties of the returning officer; and

(b) where a writ has already been issued,

(i) shall act under the writ as if it had been addressed to the election clerk, without taking the returning officer's oath of office, and

(ii) has the power to appoint an election clerk.

Ceasing to act

(1.2) An election clerk shall cease to act in the place of the returning officer under clause (1)(b) when

(a) the returning officer returns to the office following an absence or illness; or

(b) the Chief Electoral Officer appoints another person as returning officer under section 7,

whichever occurs first.

Unable to act, notification

(2) An election clerk shall immediately notify the Chief Electoral Officer if the returning officer is unable to act. *1996,c.12,s.13; 2021,c.21,s.10.*

HEADQUARTERS OF RETURNING OFFICER

14. Headquarters of returning officer

(1) On receipt of the writ for an election in a returning officer's electoral district, the returning officer shall

(a) open and maintain throughout the election a headquarters at a convenient place in the electoral district where the electors may contact the returning officer; and

(b) request the Chief Electoral Officer to give public notice of the location of the headquarters and other contact information.

Hours of duty

(2) Either the returning officer or the election clerk, or both of them, shall remain continuously on duty in the headquarters during the hours

(a) from 9 a.m. to 6 p.m., or as directed by the Chief Electoral Officer, excluding Sunday;

(b) the advance polls are open; and

(c) the polls are open on ordinary polling day. *1996,c.12,s.14; 2002,c.4,s.2; 2021,c.21,s.11.*

ELECTION OFFICERS

14.1 Appointment of election officers

(1) A returning officer may appoint the following election officers as required from the lists maintained by the Chief Electoral Officer pursuant to subsections 49(1) and (1.1):

(a) deputy returning officers;

(b) poll clerks;

(c) registration clerks;

(d) information officers;

(e) confirmation officers.

Duties of election officers

(2) The duties of an election officer appointed under subsection (1) include but are not limited to

(a) entering information on the list of electors;

(b) modifying the list of electors;

(c) marking off the name of an elector from the list when the elector has voted;

(d) directing procedures at the polls;

(e) transporting of election documents and supplies;

(f) taking the oaths or affirmations of electors; and

(g) other duties as directed by the returning officer or the Chief Electoral Officer.

Other staff

(3) The Chief Electoral Officer or the returning officer may appoint persons to work in an administrative or clerical capacity in their respective offices as required for the proper administration of the election.

Remuneration

(4) A person appointed under subsection (1) or (3) shall be remunerated in accordance with the tariff of fees made under this Act. *2021,c.21,s.12.*

PROCLAMATION

15. Proclamation

Not later than Friday, the 24th day before ordinary polling day,

(a) a returning officer shall

(i) issue a proclamation in the form approved by the Chief Electoral Officer,

(ii) cause the proclamation to be posted in the returning officer's headquarters where it shall be kept available for public inspection at all reasonable times,

(iii) transmit a copy of the proclamation to each registered political party in the electoral district; and

(b) the Chief Electoral Officer shall cause a consolidated proclamation in the form approved by the Chief Electoral Officer to be inserted in every printed daily newspaper published in the province. *1996,c.12,s.15; 2021,c.21,s.13.*

POLLING DIVISIONS

16. Division of electoral district into polling divisions

(1) When the Chief Electoral Officer determines it is necessary to do so, the Chief Electoral Officer shall

(a) subject to subsection (2), divide an electoral district into as many polling divisions as the Chief Electoral Officer considers necessary, giving due consideration to

(i) geographical and other factors that may affect the convenient conduct of an election,

(ii) the desirability of the territorial limits of the polling divisions conforming as nearly as possible to those established for the last election, whether provincial or federal,

(iii) the incorporation, where practical, of approximately 450 electors in a polling division, and

(iv) the desirability of incorporating an extended health-care facility, or similar institution, into a polling division;

(b) prepare a statement, in the form that the Chief Electoral Officer considers appropriate, of the boundaries of the polling divisions in the electoral district, identifying each with a consecutive number; and

(c) transmit a copy of the statement to each registered political party in the electoral district.

Polling division of more than 450 electors

(2) Where, by reason of a practice locally established or other special circumstances, it is more convenient to establish a polling division containing substantially more than 450 electors and to divide the list of electors for the polling division between two or more polling stations as provided in section 63, the Chief Electoral Officer may, notwithstanding anything contained in subsection (1), establish a polling division which contains as nearly as possible some multiple of 450 electors. *1996,c.12,s.16; 2021,c.21,s.14.*

17. Errors in statement of polling divisions

The Chief Electoral Officer may

(a) correct an error or omission in the statement of the boundaries of the polling divisions;

(b) redefine a boundary, or renumber a polling division, from that set out in the statement. *1996,c.12,s.17; 2021,c.21,s.15.*

18. Constitution of polling division

The polling divisions of an electoral district for an election shall be

(a) those established for the last provincial election; or

(b) if they have subsequently been revised under sections 16 and 17, those established in the statement completed by the Chief Electoral Officer. *1996,c.12,s.18; 2021,c.21,s.16.*

ELECTION SUPPLIES

19. Transmission of supplies to returning officer

Immediately after the date of the writ, or at any other time when the Chief Electoral Officer considers it expedient or necessary, the Chief Electoral Officer shall transmit to each returning officer a sufficient number of copies of this Act, election forms, materials and supplies to enable the returning officer to carry out the duties of the office. *1996,c.12,s.19; 2021,c.21,s.17.*

QUALIFICATIONS FOR ELECTORS

20. Inclusion on list of electors

Subject to sections 24.1 and 65.1, a person may have the person's name included on the list of electors for a polling division, if the person

(a) is 18 years of age, or will attain that age on or before ordinary polling day;

(b) is a Canadian citizen or will attain citizenship on or before ordinary polling day;

(c) has been ordinarily resident within the meaning of section 22 or 23

(i) in the province for the 6 months immediately preceding the date of the election, and

(ii) in the polling division on the date of the election. *1996,c.12,s.20, 2002,c.4,s.3; 2008,c.9,s.3; 2021,c.21,s.18.*

21. Persons not eligible as electors

The following persons, during each person's term of office, are not entitled to be included on the list of electors:

(a) the Chief Electoral Officer;

(b) the Deputy Chief Electoral Officer. *1996,c.12,s.21; 2002,c.4,s.4; 2008,c.9,s.4; 2021,c.21,s.19.*

DETERMINING RESIDENCE

22. Place of ordinary residence

(1) Subject to subsection (2) and section 23, the place where a person is ordinarily resident is the place where the person lives and to which, when absent, the person intends to return.

Spouse

(2) If a person has a spouse, the place where the person is ordinarily resident is deemed to be the place where the spouse of the person lives, unless the person establishes and continues a residence at some other place with the intention of living there separate and apart from the spouse for an indefinite period. *1996,c.12,s.22; 2002,c.4,s.5.*

23. Lodgings or charitable institution, persons in

(1) Where a person, on the date of the election, is living in a lodging, hostel, home or institution conducted for charitable or semi-charitable purposes, the person is ordinarily resident on the date of the election in the electoral district where the lodging, hostel, home or institution is located.

Community care facility or nursing home, person in

(2) Where a person, on the date of the election, is living in a community care facility or in a nursing home, the person is ordinarily resident on the date of the election in the electoral district in which the community care facility or nursing home is located.

Patients in hospitals

(2.1) Where a person, on ordinary polling day, is a patient in a hospital, the person is ordinarily resident on the date of the election, while in the hospital, in the electoral district where the person is ordinarily resident within the meaning of section 22, and, if otherwise qualified as an elector, may vote in such electoral district, as permitted under sections 71 and 71.2.

Armed forces, persons in full-time

(3) Where a person is serving on full-time service with the Armed Forces of Canada, or is employed outside Canada by the Armed Forces of Canada as a teacher in a Canadian Forces school or as administrative support staff for such school, the person is ordinarily resident on the date of the election

(a) while stationed within the province, in the polling division where the person is ordinarily resident within the meaning of section 22; or

(b) while stationed outside the province, on the evidence of a certificate of the person's commanding officer to the effect that such person has designated, on or before the date of the election, as the person's place of ordinary residence,

(i) in the polling division within the province in which the person was ordinarily resident at the date of the person's enlistment, or

(ii) in such other polling division within the province, in lieu thereof, which the person has so designated for such purposes of voting;

Spouses

(4) The spouse of any person referred to in clause (3)(a) or (b), if otherwise qualified as an elector, and otherwise ordinarily resident within the province, shall be entitled to have the spouse's name entered in the Register and included on the list of electors for the polling

division in which the name of the person referred to in clause (3)(a) or (b) may be entered and may vote in the polling division.

Students attending institution in province

(5) Where a person is a student at a recognized educational institution within the province and has a family in the province, the student is ordinarily a resident, at the option of the student,

(a) in the polling division where the student's family home is located; or

(b) in the polling division where the student is living while attending the recognized educational institution.

Students attending an institution outside province

(6) A student who, on the date of the election, is in attendance at a recognized educational institution outside the province, and who is otherwise qualified as an elector and otherwise ordinarily resident within the province, is entitled to have the student's name entered on the list of electors for the polling division in which the student ordinarily resides while within the province, and may vote in such polling division.

Spouse of student

(7) The spouse of any student referred to in subsection (6), if otherwise qualified as an elector and otherwise ordinarily resident within the province, shall be entitled to have the spouse's name entered in the Register and included on the list of electors for the polling division on which the name of the student referred to in subsection (6) may be entered and may vote in such polling division.

Incarcerated elector

(8) The place of ordinary residence of an elector who is incarcerated is

(a) where the elector is in a provincial correctional institution or a youth custody facility, either district where the institution or facility is located or the place in the province to which the elector intends to return on release from custody; and

(b) where the elector is in a federal penitentiary, the place in the province to which the elector intends to return on release from custody.

Normal residence October to May

(9) Repealed by 2021,c.21,s.20(7).

Material facts determine residence

(10) Subject to this section, the question as to where a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case.

Place of residence cannot be lost

(11) A person can have only one place of ordinary residence and it cannot be lost until another is gained.

Absent less than six months

(12) A person does not cease to be ordinarily resident in the province by leaving the province for a definite purpose during a definite period of less than six months if the person intends to return to the province and ordinarily reside within the province after that period.

Exception

(13) Subsection (12) does not apply in respect of a student referred to in subsection (6).

Students from outside the province

(14) Repealed by 2021,c.21,s.20(8). *1996,c.12,s.23; 2002,c.4,s.6; 2003,c.34,s.2; 2008,c.9,s.5; 2021,c.21,s.20.*

REGISTRATION OF PARTIES

24. Register of political parties, application for registration

(1) The Chief Electoral Officer shall maintain a register of political parties and subject to this section shall register therein any political party that meets the requirements of subsection (2) and that files an application for registration signed by the leader of the party, setting out

(a) the full name of the party;

(b) the party name or the abbreviation, if any, of the party name to be shown in any election documents;

(c) the name and address of the leader or acting leader of the party;

(d) the address of the office of the party where records are maintained and to which communications may be addressed; and

(e) the names and addresses of the officers of the party.

Requirements for registration

(2) The requirements to be registered as a political party are that the party

(a) held at least one seat in the Legislative Assembly following the most recent election;

(b) endorsed at least 10 nominated candidates in the most recent general election;

(c) endorses at least 10 nominated candidates following the date of a writ of election for a general election; or

(d) at any time, except between the date a writ of election and polling day, provides the Chief Electoral Officer with the names, addresses and signatures of persons who

(i) represent 0.35% of the number of electors eligible to vote at the last general election,

(ii) are currently eligible to vote in an election, and

(iii) request the registration of that political party.

Examination of application

(3) Upon receipt of an application for registration of a political party pursuant to subsection (1), the Chief Electoral Officer shall examine the application and determine whether the party can be registered under this section and

(a) if the party can be registered, register it and inform the leader of the party in writing; or

(b) if the party cannot be registered, so inform the leader of the party.

Conditions of registration

(4) Repealed by 2021,c.21,s.21(3).

Registration not permissible, name of party likely to confuse

(5) The Chief Electoral Officer shall not register a political party where

(a) the Chief Electoral Officer is of the opinion that the name or abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a party that was represented in the Legislative Assembly immediately prior to the

coming into force of this section as to be likely to be confused with the party that was so represented;

(b) the Chief Electoral Officer is of the opinion that the name or the abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with that registered party; or

(c) the name of the party includes the word "independent".

Variation of registered name

(6) The Chief Electoral Officer may, upon receipt of an application for variation of registration signed by the leader or acting leader of a registered party and containing the information required to be contained in an application for registration, vary the name of the party in the register in accordance with the application to any other name that can be registered pursuant to this section.

Date of effect of variation

(7) A variation of registration made pursuant to subsection (5) has effect on the day on which it would have effect pursuant to subsection (3) if it were a new registration.

Updating of information *re* registration of party

(8) At a general election, every registered party that has been registered prior to that election shall, not later than the 24th day before ordinary polling day, file with the Chief Electoral Officer a statement in writing signed by the leader of the party confirming or bringing up to date the information contained in the application for registration of the party.

Deletion of party from register

(9) Repealed by 2021,c.21,s.21(6).

Registration fee

(10) Every political party registering under this section shall pay a registration fee of $1,000 at the time of application.

Cancellation of registration

(11) The Chief Electoral Officer may by notice to the address of the office of the party cancel the registration of a political party

(a) on application by the authorized officers of the party;

(b) where the party ceases to be qualified to be registered; or

(c) where the party obtained registration on the basis of an application that was false in any material particular. *1996,c.12,s.24; 2021,c.21,s.21.*

REGISTER OF ELECTORS

24.1 Establishment

(1) The Chief Electoral Officer shall establish and maintain a Register of Electors.

Sources of information

(2) The Chief Electoral Officer may create, revise and maintain the Register by using all or any of the following sources of information:

(a) information obtained from conducting a confirmation of electors under this Act;

(b) information provided by the Chief Electoral Officer of Canada that was used for compiling lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Canada;

(c) any other information obtained by or available to the Chief Electoral Officer.

Revision

(3) The Chief Electoral Officer may revise the Register from time to time as the Chief Electoral Officer considers necessary.

Form

(4) The Register may be created or revised manually by means of any computer-based system and may be maintained in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible form within a reasonable time.

Information about electors

(5) The Register of Electors shall include, for each elector,

(a) the elector's

(i) residential address,

(ii) mailing address,

(iii) legal name,

(iv) contact information, and

(v) day, month and year of birth;

(b) a unique identification number assigned by the Chief Electoral Officer;

(c) any other identification number if one has been assigned by other persons who provide information under section 24.12 to the Chief Electoral Officer, to assist in distinguishing one person from another or verifying the information about a person; and

(d) other information required to be included in an application for registration as prescribed by the Chief Electoral Officer.

Information about persons who may become eligible to vote

(5.1) Notwithstanding subsection (1), the Register of Electors may contain information about persons who reside in the Province and may become eligible to vote.

Use of information

(6) Subject to an agreement made under subsection (7), the information referred to in subclause (5)(a)(v) that is obtained under this Act may only be used to verify the identification of an elector when creating, revising or maintaining the Register.

Agreement

(7) The Chief Electoral Officer may enter into an agreement with the Chief Electoral Officer of Canada

(a) to receive from the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer in revising the Register; and

(b) to provide to the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Canada in preparing, revising or maintaining that Chief Electoral Officer's information for the purpose of compiling or revising the National Register of Electors under the *Canada Elections Act* (Canada).

Idem

(8) The Chief Electoral Officer may enter into an agreement with a council of a municipality

(a) to receive from the municipality information that will assist the Chief Electoral Officer in revising the Register; and

(b) to provide to the municipality information that will assist the administrator of the municipality in compiling or revising information in respect of the list of electors for the municipality.

Access

(9) A person referred to in subsection (5) is entitled to have access to the information in the Register about the person for the purpose of determining whether the information is correct.

Refusal to disclose

(10) The Chief Electoral Officer shall refuse to disclose information in the Register to an applicant except in the circumstances permitted under subsection (9). *2002,c.4,s.7; 2016,c.2,s.1; 2016,c.44,s.267; 2021,c.21,s.22.*

24.11 Information about 16 and 17 year olds

The Chief Electoral Officer may, in respect of persons who are 16 or 17 years of age, reside in the Province and may become eligible to vote, collect any personal information referred to in clauses 24.1(5)(a) and (d). *2016,c.2,s.2.*

24.12 Public bodies to provide information

(1) Notwithstanding any enactment, a public body, as defined in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, at the request of the Chief Electoral Officer, shall provide the personal information held by that body that is required to create, revise or update the Register of Electors.

Use of information provided

(2) The information provided to the Chief Electoral Officer under subsection (1) shall only be used for the purpose of creating, revising or updating the Register of Electors.

Retention of information provided

(3) The Chief Electoral Officer may retain information collected under subsection (1) for the purpose of matching information subsequently collected from time to time with information already contained in the Register of Electors. *2016,c.2,s.2.*

LIST OF ELECTORS

24.2 List of electors

When in the opinion of the Chief Electoral Officer it is necessary to carry out a confirmation of electors in an electoral district, the Chief Electoral Officer shall

(a) prepare a list of electors, using the information from the Register, for each polling division in the electoral district; and

(b) provide a copy of the list of electors to the returning officer for the electoral district. *2002,c.4,s.7; 2021,c.21,s.23.*

CONFIRMATION RECORDS

24.3 Confirmation records

(1) The Chief Electoral Officer shall, when it is necessary to carry out a confirmation of electors in an electoral district,

(a) cause a confirmation record in the form approved by the Chief Electoral Officer to be prepared, using the information from the Register, for each civic address in each polling division in the electoral district; and

(b) provide the confirmation records to the returning officer for the electoral district.

Content

(2) A confirmation record prepared under subsection (1) shall set out the following information, if any, in the Register:

(a) the civic address to which the confirmation record pertains;

(b) the surname, given name and middle name or initial of each elector residing at the civic address;

(c) the mailing address of each elector residing at the civic address; and

(d) repealed by 2021,c.21,s.24(2)(b)

(e) the day, month and year of birth of each elector residing at the civic address. *2002,c.4,s.7; 2021,c.21,s.24.*

CONFIRMATION OFFICERS

25. Nomination of confirmation officers

(1) The Chief Electoral Officer shall, at such time as the Chief Electoral Officer considers advisable, give written notice to the two registered political parties which, at the preceding election in each electoral district sponsored the two candidates who received the highest number of votes and the next highest number of votes respectively, requesting each registered party within the time specified in the notice to nominate a fit and proper person for appointment as confirmation officer for each polling division of the electoral district.

Nomination in special circumstances

(2) If, in an electoral district

(a) a candidate was elected by acclamation at the preceding election;

(b) the boundaries thereof have been altered since the preceding election; or

(c) a political party has ceased to be a registered party,

the Chief Electoral Officer shall give written notice as provided in subsection (1) to the two registered parties which the Chief Electoral Officer determines are entitled to nominate the confirmation officers.

Refusal to appoint nominee

(3) If the Chief Electoral Officer considers that there is good cause for refusing to appoint a nominee of a registered party, nominated pursuant to subsection (1), the Chief Electoral Officer shall forthwith so notify in writing the registered party, and the registered party may, within 10 days or such lesser time as is specified by the Chief Electoral Officer, nominate another person to act as the confirmation officer.

Confirmation officer must be an elector

(4) No person shall be appointed as confirmation officer in an electoral district unless the person is eligible to be included in the Register.

List of nominees

(5) The Chief Electoral Officer shall, for each polling division in each electoral district, keep and maintain a list of persons nominated under this section to act as confirmation officers in the confirmation of electors for the general election next following.

Supply of list to returning officers

(6) The Chief Electoral Officer shall, when, in the opinion of the Chief Electoral Officer, it is necessary to carry out a confirmation of electors in an electoral district, provide the returning officer for the electoral district with the lists of nominees referred to in subsection (5) for the polling divisions in the electoral district.

Confirmation and nomination

(7) On the day that a returning officer is advised by the Chief Electoral Officer that a confirmation is necessary, a returning officer shall, before appointing a confirmation officer,

(a) request each registered party that has nominated a person a confirmation officer under this section to immediately confirm that the nominee is prepared to accept the appointment or to submit a nomination in substitution therefor; or

(b) if a nomination for confirmation officer in a polling division has not been received by the returning officer from a registered party pursuant to this section, request the registered party to immediately nominate a fit and proper person for the appointment.

Default of nomination

(8) If a registered party fails to nominate a confirmation officer pursuant to clause (7)(b) within such time as may be specified by the returning officer, the returning officer may appoint a fit and proper person as confirmation officer. *1996,c.12,s.25; 2002,c.4,s.8; 2021,c.21,s.25.*

26. Appointment of confirmation officers

(1) Within two days of the date on which a returning officer is advised by the Chief Electoral Officer that a confirmation of electors is necessary, a returning officer shall, in the form approved by the Chief Electoral Officer, appoint two confirmation officers for each polling division in each electoral district and each confirmation officer so appointed shall take the oath in the form approved by the Chief Electoral Officer.

Persons to be appointed

(2) Subject to subsection (3), the returning officer shall appoint the persons nominated by the registered parties as confirmation officers for the polling divisions for which they have been nominated.

Rejection of party nominee

(3) Where

(a) a returning officer considers that there is good cause for refusing to appoint as a confirmation officer a person nominated by a registered party; or

(b) a registered party has failed to nominate a fit and proper person as a confirmation officer,

the returning officer shall, with approval of the Chief Electoral Officer, select and appoint the confirmation officer.

Appointees to be representative

(4) In making an appointment, the returning officer shall endeavour to appoint as confirmation officers for a polling division two persons who represent different political parties. *2002,c.4,s.9; 2021,c.21,s.26.*

27. Dismissal and replacement

(1) The returning officer may, for cause, dismiss and replace a confirmation officer, and may appoint a confirmation officer in the place of one who resigns or dies.

Giving up records

(2) On request in writing signed by the Chief Electoral Officer, a confirmation officer so dismissed or replaced shall give up the confirmation records and other papers which the person received as a confirmation officer to the person designated by the Chief Electoral Officer. *2002,c.4,s.9; 2021,c.21,s.27.*

28. Instruction of confirmation officers

All confirmation officers shall attend a school of instruction at a time and place established by the returning officer where

(a) the Chief Electoral Officer, members of the Chief Electoral Officer's staff, or the returning officer who appointed the confirmation officers, shall instruct the confirmation officers in their duties; and

(b) the returning officer who appointed the confirmation officers shall provide the confirmation officers with

(i) the supplies necessary to carry out their duties, and

(ii) the confirmation records pertaining to the electors of the polling division for which the confirmation officers have been appointed. *2002,c.4,s.9; 2021,s.21,s.28.*

29. Confirmation officers to act jointly

(1) The two confirmation officers appointed for a polling division shall

(a) act jointly and not individually in the preparation of the confirmation records; and

(b) report the details of a disagreement between them to the returning officer.

Settling disagreements

(2) Where a disagreement is reported to a returning officer, the returning officer shall settle the disagreement and communicate the decision to the confirmation officers, who shall be bound by it.

Confirmation process

(3) Each pair of confirmation officers shall, after taking their oaths as required, proceed jointly to confirm the electors in the polling division for which they were appointed by

(a) jointly visiting each civic address in the polling division;

(b) completing the confirmation record pertaining to the electors residing at each civic address by

(i) determining, with the assistance of an elector residing at that civic address, whether the information is correct,

(ii) correcting the information set out on the confirmation record or adding any missing information, as required,

(iii) asking the elector referred to in subclause (i) to confirm that the information set out on the confirmation record is correct by having the elector sign the confirmation record, and

(iv) signing the confirmation record after complying with subclauses (i) to (iii); and

(c) leaving at each civic address that is or appears to be the residence of an elector a notice in the form approved by the Chief Electoral Officer that advises the elector of the location of the polling station where the elector is to vote during ordinary polling day or advance polling day.

Access to dwelling units in multiple-unit residential buildings

(4) Confirmation officers are entitled to free access to the entrance door of each dwelling unit in a multiple-unit residential building for the purposes of subsection (3) during the times set out in clause 33(1)(b), on producing proper identification. *2002,c.4,s.9; 2021,c.21,s.29.*

30. Enumerators to ensure records correct

Repealed by *2002,c.4,s.9.*

CONFIRMATION OF ELECTORS

31. Commencement of confirmation

(1) A confirmation of electors shall be commenced on authority of and on the date and at the time established by the Chief Electoral Officer.

Completion

(2) A confirmation of electors shall be completed within seven days after it commences.

Confirmation conducted where vacancy in Legislative Assembly occurs

(3) Repealed by 2021,c.21,s.30(3).

Procedure

(4) Repealed by 2021,c.21,s.30(3).

Elector not confirmed may apply to register

(5) An elector who is not confirmed as an elector during the confirmation period may have the elector's name entered in the Register and included on the list of electors by completing an application for registration in the form approved by the Chief Electoral Officer.

Transmission

(6) Repealed by 2021,c.21,s.30(5).

Clerical mistakes

(7) Repealed by 2021,c.21,s.30(5). *2002,c.4,s.10; 2008,c.9,s.6; 2020,c.89,s.59(5; 2021,c.21,s.30.*

32. Commencement of confirmation

Repealed by 2021,c.21,s.31. *2002,c.4,s.10; 2008,c.9,s.7; 2021,c.21,s.31.*

33. Duties

(1) Each pair of confirmation officers for a polling division shall, to the extent reasonably possible, ensure that every elector in the polling division is confirmed in accordance with this Act, and in particular,

(a) when making their joint visits to each civic address in the polling division, each confirmation officer shall wear and prominently display a confirmation officer's badge provided by the Chief Electoral Officer as evidence of the confirmation officer's authority to confirm the electors residing in the polling division;

(b) each pair of confirmation officers shall jointly visit every civic address in their polling division at least twice, if necessary, once between the hours of 9:00 a.m. and 6:00 p.m. and once between the hours of 7:00 p.m. and 9:00 p.m., unless they are both satisfied that no elector residing at any civic address remains unconfirmed;

(c) if the confirmation officers are unable on their joint visits to a civic address to complete the confirmation record for that civic address with the assistance of an elector residing at that address, they may complete the confirmation record with the assistance of any person whom they jointly consider to be reliable, and, in addition, shall, at each civic address, leave a notice in the form approved by the Chief Electoral Officer, and may then confirm the residents thereof according to the information secured by them in that manner;

(d) each pair of confirmation officers shall exercise the utmost care in confirming the electors of the polling division, and they shall take all reasonable precautions to ensure that a confirmation record

(i) is completed for every elector in the polling division, and

(ii) is not completed for any person who is not an elector;

(e) confirmation officers who, wilfully and without reasonable excuse,

(i) fail to complete a confirmation record for any person entitled to have the person's name entered in the Register and included on the list of electors, or

(ii) complete a confirmation record for any person who is not entitled to have the person's name entered in the Register and included on the list of electors,

shall, in addition to any other punishment to which they may be liable under this Act, forfeit the right to payment for their services as confirmation officers;

(f) on completing the confirmation of electors in a polling division, each pair of confirmation officers shall immediately deliver to the returning officer who appointed them their confirmation records for the electors confirmed;

(g) repealed by 2021,c.21,s.32(1)(e).

Examination, report by returning officer

(1.1) On receipt of the confirmation records from each pair of confirmation officers, the returning officer shall carefully examine the confirmation records and if, in the returning officer's judgment, a confirmation record is incomplete or contains the name of a person whose name should not be included, the returning officer

(a) may not certify to the confirmation officer's account; and

(b) shall forward the account uncertified to the Chief Electoral Officer with a special report attached to it, stating the relevant facts and informing the Chief Electoral Officer whether in the returning officer's judgment a confirmation officer has wrongfully and wilfully

(i) failed to complete a confirmation record for a person entitled to have the person's name on the list of electors, or

(ii) completed a confirmation record for a person who is not entitled to have the person's name entered on the list of electors.

Offence

(2) A person who

(a) wears a confirmation officer's badge other than that provided by the Chief Electoral Officer or at a time other than that authorized in clause (1)(a);

(b) wears a confirmation officer's badge without authority; or

(c) represents, without authority, that the person is a confirmation officer,

is guilty of an offence. *2002,c.4,s.10; 2021,c.21,s.32.*

DUTIES OF RETURNING OFFICER ON RECEIVING CONFIRMATION RECORDS

34. Duties of returning officer

(1) On receipt of the confirmation records from each pair of confirmation officers, a returning officer shall

(a) examine the confirmation records to ensure that the confirmation officers have complied with the requirements of sections 32 and 33; and

(b) where one or more of those requirements have not been complied with, either

(i) correct any mistakes of a clerical nature and initial the same, or

(ii) have the confirmation officers, or any other persons appointed by the returning officer as confirmation officers, *re*-confirm all or any of the electors in the polling division.

Transmission of confirmation records

(2) When the returning officer is satisfied that the requirements of section 29 have been complied with, the returning officer shall

(a) review the confirmation records;

(b) revise the information in the Register as necessary; and

(c) transmit the confirmation records to the Chief Electoral Officer. *2002,c.4,s.11; 2021,c.21,s.33.*

REVISION OF REGISTER

34.1 Revision of Register, duties

Repealed by 2021,c.21,s.34. *2002,c.4,s.11; 2021,c.21,s.34.*

MAIL-IN BALLOTS

35. Mail-in ballot voting rules, Schedule 2

Where an elector whose name appears on the list of electors for a polling division at an election is entitled to vote in the polling division at the election and has reason to believe that

the elector will be unable to vote in the polling division at the election, during the hours for voting, on the days fixed for the advance poll and the ordinary polling day, that elector may apply for a mail-in ballot pursuant to Schedule 2, Mail-in Ballot Voting Rules. *1996,c.12,s.35; 2008,c.9,s.8; 2021,c.21,s.35.*

NOMINATION OF CANDIDATES

36. Qualifications of candidates

A person may be nominated as a candidate at an election who

(a) is a Canadian citizen;

(b) has attained the age of 18 years or will obtain that age on or before nomination day;

(c) is not disqualified or ineligible under this Act, or any other Act, to be a candidate or a member of the Legislative Assembly; and

(d) is qualified as an elector in any one of the electoral districts referred to in the *Electoral Boundaries Act*, Stats. P.E.I. *1994, c.13. 1996,c.12,s.36.*

37. Who may nominate candidates

Any 25 or more persons, entitled under section 20 to have their names included on a list of electors for an electoral district for which a writ has been issued, may nominate a candidate at the election for the electoral district

(a) by filing a nomination paper in a form approved by the Chief Electoral Officer, duly completed and signed, with the returning officer, at any time between the date of the proclamation and 2:00 p.m. on nomination day; and

(b) by depositing with the returning officer the sum of $200

(i) in legal tender, or

(ii) in the form of a money order or a certified cheque made payable to the Minister of Finance and Affordability for that amount. *1996,c.12,s.37; 2002,c.4,s.12; 2008,c.9,s.9,10; 2008,c.41,s.1; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2021,c.21,s.36; 2026,c.11,s.3.*

38. Nomination in only one electoral district

No person shall be eligible for nomination in more than one electoral district. *1996,c.12,s.38.*

39. Nomination paper when not invalid

A nomination paper is not invalid by reason only that

(a) a person who signed it has signed the nomination paper of another candidate;

(b) a person who signed it is not qualified under section 37 to do so, if 25 persons qualified have signed it; or

(c) the name and address of a person, as it appears on the nomination paper, differs from that appearing on the list of electors, if any, when the returning officer is satisfied in relation to the identity of that person. *1996,c.12,s.39; 2008,c.41,s.2.*

40. Nomination day

(1) On nomination day, which shall be Friday, the 17th day before ordinary polling day, a returning officer shall attend at the headquarters, between the hours of 10:00 a.m. and 2:00 p.m. to receive the nomination of a person who has not been already officially nominated.

Certification of official candidate

(2) The leader of the registered party designated in the nomination paper shall certify in the form approved by the Chief Electoral Officer that the candidate named thereon is the official candidate of the registered party so designated; otherwise, the person nominated shall be shown as an independent on the ballot paper.

Period for accepting nomination papers

(3) If the provisions of section 37 have been complied with, the returning officer shall

(a) accept a nomination paper at any time between the date of the writ and 2:00 p.m. on nomination day; and

(b) sign the receipt of the deposit on the nomination paper and transmit the deposit to the Chief Electoral Officer,

and the Chief Electoral Officer shall transmit the deposit to the Minister of Finance and Affordability.

Signing receipt of deposit, evidence of

(4) The signing of the receipt of the deposit on the nomination paper by the returning officer shall be conclusive evidence that the candidate has been officially nominated. *1996,c.12,s.40; 2008,c.9,s.9,11; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2021,c.21,s.37; 2026,c.11,s.3.*

41. Making changes in nomination papers

Before 2:00 p.m. on nomination day, a candidate may direct the returning officer in writing to change the particulars of the name and address of the candidate that appear on the nomination paper; and if the returning officer is satisfied that the particulars as changed correspond to those by which the candidate is known in the electoral district, the returning officer attach the direction to the nomination paper and amend it accordingly. *1996,c.12,s.41; 2008,c.9,s.9,12; 2021,c.21,s.38.*

42. Disposition of deposit by Minister of Finance

The Minister of Finance and Affordability shall dispose of the deposit of a candidate as follows:

(a) if

(i) the Chief Electoral Officer advises the Minister of Finance and Affordability that the official agent of the candidate or registered party has filed the documents required by subsection 20(1) of the *Election Expenses Act* R.S.P.E.I. 1988, Cap. E-2.01 with the Chief Electoral Officer within the period of time required by that subsection, the Minister of Finance and Affordability shall return the deposit to the candidate, or

(ii) the candidate dies before the close of the polls, the Minister of Finance and Affordability shall return the deposit to the candidate's official agent or registered party;

(b) in all other cases, the Provincial Minister of Finance and Affordability shall pay the deposit into the Operating Fund. *1996,c.12,s.42; 2008,c.41,s.3; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2021,c.21,s.39; 2026,c.11,s.3; 2026,c.11,s.3.*

WITHDRAWAL OF CANDIDATE

43. Withdrawal by candidate

Before 2:00 p.m. on nomination day, a candidate officially nominated may appear before the returning officer and file with the returning officer a declaration in the form approved by the Chief Electoral Officer that the candidate withdraws as a candidate, whereupon the candidate shall be deemed not to have been officially nominated and the candidate's deposit shall be forfeited. *1996,c.12,s.43; 2008,c.9,s.9; 2021,c.21,s.40.*

44. False statement of withdrawal of candidate

A person who, before or during an election, for the purposes of procuring the election of a candidate, knowingly publishes a false statement of the withdrawal of another candidate at the election is guilty of an offence. *1996,c.12,s.44.*

DEATH OF A CANDIDATE

45. Death of candidate, before close of nominations

(1) If a candidate, officially nominated, dies before the close of nominations on nomination day, the candidate shall be deemed not to have been officially nominated.

Death of candidate, between close of nominations and poll

(2) If a candidate, officially nominated, dies between the close of nominations and of the poll, the Chief Electoral Officer shall issue the certificate, in the manner set forth in section 8, upon which certificate the Lieutenant Governor in Council shall then

(a) order the withdrawal of the grant of poll;

(b) fix the date of a new ordinary polling day, referred to as the deferred election, which shall be not more than three months from the date of the death of the candidate,

and the writ shall be deemed to have been amended accordingly.

Revocation of grant of poll

(3) After the revocation of the grant of the poll,

(a) the returning officer shall issue a proclamation as provided in section 15, and recommence all the other proceedings for the deferred election as if the new writ had been received immediately following the revocation of the grant of the poll; and

(b) a person, other than the candidate who died, who was nominated before the revocation of the grant of the poll, or nominated in accordance with sections 37 and 40 between the date of the new proclamation and 2 p.m. on the new nomination day, shall be deemed to have been duly nominated.

Eligibility of elector

(3.1) An elector is eligible to vote in a deferred election only if the elector

(a) is residing in the electoral district that is subject to the deferred election on ordinary polling day pursuant to the amended writ; and

(b) did not cast a ballot in the original election according to the Register.

Eligibility of candidate

(3.2) For greater certainty, a candidate who has been nominated in another electoral district in the general election is not eligible for nomination in the electoral district that is subject to the deferred election.

Full report by returning officer

(4) The returning officer shall make a full report with the return of the writ to the Chief Electoral Officer of any action taken under this section. *1996,c.12,s.45; 2008,c.9,s.9; 2021,c.21,s.41.*

ACCLAMATION

46. Election by acclamation

If, on nomination day, there shall be officially nominated only one candidate for election, the returning officer at the time limited for close of nominations shall declare and proclaim such candidate duly elected, and shall make due return thereof to the Chief Electoral Officer in Form 1. *1996,c.12,s.46.*

GRANT OF POLL

47. Grant of poll

(1) If more candidates than the number required to be elected for the electoral district are officially nominated, the Chief Electoral Officer, after 2:00 p.m. on nomination day, shall

(a) grant a poll for taking the votes of the electors;

(b) issue a notice of grant of a poll in the form approved by the Chief Electoral Officer;

(c) transmit one copy of the notice of grant of a poll to each registered party and to each candidate in the electoral district;

(d) repealed by 2021,c.21,s.42(1)(c);

(e) repealed by 2021,c.21,s.42(1)(c);

(f) in the case of a by-election or a deferred election, cause the notice of grant of a poll to be published at least once in a printed newspaper circulating in the electoral district.

Duty of returning officer

(1.1) The returning officer shall post a copy of the notice of grant of a poll for that electoral district in the returning officer's headquarters, where it shall be kept available for public inspection at all reasonable times.

Publish public notice

(2) Following the close of nominations on nomination day, the Chief Electoral Officer, during the general election, shall cause a consolidated notice of grant of a poll in the form approved by the Chief Electoral Officer to be published at least once in every printed newspaper published in the province and in the Gazette. *1996,c.12,s.47; 2008,c.9,s.9; 2021,c.21,s.42.*

HOURS OF POLL

48. Hours poll open

The poll shall be opened at 9:00 a.m. and kept open until 7:00 p.m. of the same day, and each deputy returning officer shall, during that time in the polling station assigned to the deputy returning officer, take the votes of the electors duly qualified to vote at that polling station. *1996,c.12,s.48; 2021,c.21,s.43.*

DEPUTY RETURNING OFFICERS AND POLL CLERKS

49. Registered party nominees for election officers

(1) After each general election, each registered party that elected members to the Legislative Assembly shall provide the Chief Electoral Officer, on request, with a list of nominees for positions as election officers, and the Chief Electoral Officer shall maintain and select from a combined list of those nominees for use in the next general election or in any by-election that may be held before the next general election.

Applicants

(1.1) In addition to the list maintained by the Chief Electoral Officer under subsection (1), the Chief Electoral Officer may at any time receive applications from qualified persons to serve as election officers and may maintain and select from a list of those applicants for use in a general election or by-election.

Appointment of deputy returning officer

(2) Immediately after the date of a writ of election, but in any event not less than twenty days before ordinary polling day, the returning officer shall, from the list of nominees supplied by the Chief Electoral Officer, appoint by writing in the form approved by the Chief Electoral Officer one deputy returning officer for each polling station established in the electoral district.

Deputy returning officer, oath of

(3) Every deputy returning officer shall, before acting, take the oath in the form approved by the Chief Electoral Officer. *1996,c.12,s.49; 2008,c.9,s13; 2021,c.21,s.44.*

50. Poll clerk, appointment and oath

Each returning officer shall, as soon as possible after appointment, appoint in writing, in the form approved by the Chief Electoral Officer, a poll clerk who, before acting as such, shall take the oath of office in the form approved by the Chief Electoral Officer. *1996,c.12,s.50; 2021,c.21,s.45.*

51. List of deputy returning officers

Repealed by 2021,c.21,s.46. *1996,c.12,s.51; 2021,c.21,s.46.*

BALLOT BOXES AND BALLOT PAPERS

52. Ballot boxes

(1) The Chief Electoral Officer shall obtain ballot boxes for each polling station in the province, and shall

(a) give the necessary instructions for procuring the ballot boxes to the returning officer; or

(b) have the ballot boxes delivered to the returning officer.

Specifications for ballot boxes

(2) The ballot boxes shall be

(a) of uniform size and shape;

(b) made of durable material;

(c) capable of being sealed with seals provided by the Chief Electoral Officer;

(d) so constructed, with a slit or narrow opening on the top, that the ballots may be deposited but cannot be withdrawn without unsealing the box.

Ballot box lost, destroyed or not delivered

(3) Repealed by 2021,c.21,s.47(3). *1996,c.12,s.52; 2008,c.9,s.14; 2021,c.21,s.47.*

53. Ballot papers, printing

(1) The Chief Electoral Officer immediately upon issuing the notice of grant of poll shall cause to be printed the necessary ballot papers in Form 4.

Printing emblem on ballot

(2) Every ballot paper shall be printed with an emblem, the emblem being so placed on the ballot paper that when the ballot paper is folded by a voter the emblem can be seen without the ballot paper being unfolded.

Design of emblem

(3) The emblem shall be specially designed and made for the purpose of each election, and shall show the name of the province and the date and year of the election.

Content of stamp

(4) Repealed by 2021,c.21,s.48(2).

Papers etc. to be kept by deputy returning officer

(5) Until the opening of the poll, the deputy returning officer shall keep the poll book, forms of oath, envelopes and ballot papers in a secure place and shall take every precaution for their safekeeping and for preventing any person from having unlawful access to them.

Directions to Electors, posting form

(6) The returning officer shall furnish each deputy returning officer with sufficient copies of the Directions to Electors in the form approved by the Chief Electoral Officer and the deputy returning officer shall before or at the opening of the poll, cause the directions to be posted in some conspicuous place outside of the polling station, and also in each compartment of the polling station.

Directions to electors

(7) The Directions to Electors shall depict a ballot and shall instruct the elector to mark a cross "X" on the ballot after the name of the candidate for whom the elector intends to vote. *1996,c.12,s.53; 2021,c.21,s.48.*

54. Ballot papers printed on white paper, names alphabetically arranged

(1) The ballot papers shall be printed on white paper, on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out on each candidate's nomination paper.

Counterfoil and stub

(2) The ballot papers shall be provided with a stub, and there shall be a line of perforations between the ballot and the stub.

Ballot papers specifications

(3) The ballot papers shall be printed on paper of a quality, weight and size determined by the Chief Electoral Officer.

Numbering ballot paper stubs

(4) The ballot papers shall be numbered on the back of the stub and shall be bound in books containing 25 ballot papers.

Name of printer

(5) The ballot papers shall bear the name of the printer.

Printer, duties of

(6) The printer shall deliver the ballot papers to the Chief Electoral Officer, and file an affidavit in the form approved by the Chief Electoral Officer setting forth the number of ballot papers, printed by the printer, and the fact that no other ballot papers have been supplied by the printer to any other person.

Ballot papers, property of

(7) The property of the ballot papers, ballot boxes, envelopes and marking instruments procured for or used at any election shall be in the Sovereign in right of the province.

Description of candidates

(8) The name of every candidate on each ballot shall be followed by the candidate's political affiliation. *1996,c.12,s.54; 2008,c.9,s.15; 2021,c.21,s.49; 2022,c.62,s.20.*

55. Delivery of supplies to deputy returning officer

(1) Not later than 24 hours before ordinary polling day, a returning officer shall furnish to each deputy returning officer for the polling station to which the deputy returning officer has been appointed

(a) ballot papers for at least 10% more than the number of electors on the official list of electors of the polling station;

(b) a statement showing the number of ballot papers supplied with their serial numbers;

(c) black lead pencils to permit the electors to mark their ballot papers;

(d) a sufficient number of copies of the Directions to Electors;

(e) a copy of this Act and of any instructions issued by the Chief Electoral Officer;

(f) the official list of electors for use at the polling station;

(g) a ballot box;

(g.1) seals in the form approved by the Chief Electoral Officer;

(h) the poll book; and

(i) other materials and supplies authorized or furnished by the Chief Electoral Officer.

Deputy returning officer responsible for supplies

(2) The deputy returning officer shall be responsible for the election materials and supplies received from the returning officer, and shall prevent any person from having unlawful access to them. *1996,c.12,s.55; 2008,c.9,s.16; 2021,c.21,s.50.*

POLLING STATIONS

56. Polling stations, for each polling division

(1) The Chief Electoral Officer may at any time direct the returning officer to secure for each polling division in the returning officer's electoral district suitable level access premises for one or more polling stations

(a) within the polling division;

(b) if the returning officer is unable to secure suitable level access premises for a polling station within the polling division, then within an adjacent polling division; or

(c) if there is a central polling place in any electoral district where the polling stations of not more than 10 of the polling divisions may be centralized, then within the centralized polling place;

and the returning officer shall mail the list of polling stations to the Chief Electoral Officer showing the location of each polling station and name of the person to whom payment for its use may be made.

Substituted polling station

(2) Where it is found impractical to hold a poll in the place designated it shall be held in another polling station as near as practicable to the original polling station and thereupon the returning officer shall

(a) give notice in writing of the new location of the polling station to each registered party in the electoral district; and

(b) cause to be affixed on or before polling day notices at or near the polling stations first designated stating the new location of the polling station. *1996,c.12,s.56; 2008,c.9;s.17; 2021,c.21,s.51.*

57. Polling station to bear number of polling division

Repealed by 2021,c.21,s.52. *1996,c.12,s.57; 2021,c.21,s.52.*

LEVEL ACCESS POLLING STATIONS

58. Requirements for polling station

(1) A polling station shall, where practicable, be in a level access public building and shall contain a compartment, adequately lighted, where an elector may mark the ballot paper in secrecy.

Equipment in compartment

(2) Throughout the hours of polling, the compartment shall contain a table or desk and a black lead pencil properly sharpened. *1996,c.12,s.58; 2021,c.21,s.53.*

PERSONS PRESENT IN POLLING STATION

59. Who may be present in polling station

The Chief Electoral Officer may determine whether any person, in addition to the following persons, is permitted to remain in the room where the votes are given during the time the poll remains open:

(a) the deputy returning officer;

(b) the poll clerk and registration clerk;

(c) the candidates or their agents, not exceeding one agent for each candidate in each polling station;

(d) the Chief Electoral Officer;

(e) any other election officer. *1996,c.12,s.59; 2002,c.4,s.13; 2008,c.9,s.18; 2021,c.21,s.54.*

60. Agent of candidate

Any person producing to the returning officer or deputy returning officer at any time a written authority in the form approved by the Chief Electoral Officer from a candidate to represent the candidate at the election or at any proceeding of the election shall be deemed to be an agent of such candidate for the purpose of this Act. *1996,c.12,s.60; 2021,c.21,s.55.*

61. Candidate may undertake duties of his agent

(1) A candidate may undertake the duties which any agent of the candidate, if appointed, might have undertaken or may assist the agent in the performance of such duties, and may be present at any place at which the agent may attend.

Non-attendance of agent, effect

(2) The absence of any agent of candidates at any time or place the agent is permitted by this Act to be present shall not invalidate any act or thing done during the absence of such agent. *1996,c.12,s.61; 2021,c.21,s.56.*

OFFICIAL LIST OF ELECTORS

62. Official list of electors, use of

(1) The official list of electors shall be used at a polling station.

Official list of electors, distribution

(2) The Chief Electoral Officer shall, when a candidate becomes a registered candidate, provide a copy of the official list of electors for the electoral district for which the registered candidate is a candidate to

(a) the registered candidate; and

(b) any registered party to which the registered candidate is affiliated.

Official list of electors, content

(3) The official list of electors shall contain the following information for each elector in the Register:

(a) a unique identifier, assigned by the Chief Electoral Officer to that elector;

(b) the elector's name as it appears in the Register;

(c) the elector's civic address;

(d) the elector's district and the poll where the elector may vote.

Revision of Register

(4) On receipt of the confirmation records the returning officer shall

(a) review the confirmation records; and

(b) revise the information in the Register as necessary.

Supplementary lists

(4.1) Repealed by 2021,c.21,s.57(4).

Official list

(4.2) Repealed by 2021,c.21,s.57(4).

Official list of electors to Elections Canada

(5) The Chief Electoral Officer may provide copies of the official list of electors to the appropriate officials of Elections Canada. *1996,c.12,s.62; 2002,c.4,s.14; 2008,c.9,s.19; 2021,c.21,s.57.*

63. Provision of additional polling stations

Where the official list of electors for a polling division contains the names of more than 450 electors, the returning officer may provide additional polling stations for the polling division to allow, as nearly as possible, an equal number of electors to vote at each polling station. *1996,c.12,s.63; 2021,c.51,s.58.*

PROCEEDINGS AT THE POLL

64. Proceeding at the poll, prior to opening of polling station

During the thirty minutes prior to the opening of a polling station, the deputy returning officer in full view of the poll clerk and the candidates or their agents, shall

(a) assemble the ballot box;

(b) cause the Directions to Electors to be posted in the voting compartment of the polling station;

(c) count the ballot papers; and

(d) ascertain that the ballot box is empty, seal it with a seal provided by the Chief Electoral Officer, and place it on a table in full view of all present, where it shall remain sealed until the close of the poll. *1996,c.12,s.64;2008,c.9,s.20; 2021,c.21,s.59.*

65. Proceeding after opening polling station

(1) At the hour fixed for opening a polling station and during the polling hours, an election officer shall

(a) admit into the polling station eligible electors;

(b) have each elector declare the elector's name and address and provide proof of identity and residence as set out in section 65.1, and

(i) if the elector's name is on the official list of electors, the election officer shall enter the name and address of the elector in the poll book and record in the poll book that the elector has voted, or

(ii) if the elector's name is not on the official list of electors, have the elector take an oath in the form approved by the Chief Electoral Officer, and then the election officer shall enter the name and address of the elector in the poll book and on the form supplied by the Chief Electoral Officer and record in the poll book that the elector has voted;

(b.1) have each elector sign the form approved by the Chief Electoral Officer;

(c) uniformly initial and fold the ballot paper so that, when folded, the election officer's initials can be seen on the ballot without unfolding it;

(d) instruct the elector, how and where to affix the elector's mark on the ballot paper by using the following or like words, "Mark one cross "X" with the black lead pencil on the ballot within the space on the ballot paper opposite the name and particulars of the candidate for whom you intend to vote";

(e) direct the elector to return the ballot paper, when marked, folded;

(f) subject to subsection (2), deliver the ballot paper to the elector.

Taking oath by elector

(2) If required by an election officer, a candidate or candidate's agent, an elector shall, before receiving the ballot paper, take an oath in the form approved by the Chief Electoral Officer before the election officer, and

(a) if the elector refuses to take the oath, the elector shall not be permitted to vote at that time; and

(b) if the elector takes the oath, the elector shall then be given the ballot paper and permitted to vote, and information shall be recorded in the poll book to indicate that the elector took the oath.

Refusal to take oath, effect

(3) An elector who refuses to take the oath in the form approved by the Chief Electoral Officer shall not receive a ballot paper or be permitted to vote at that time.

Right to question

(4) No person other than an election officer, shall address any question to any elector in the polling station.

Updating lists throughout polling day

(5) On any polling day, the Chief Electoral Officer shall, at intervals of no less than 30 minutes, update the official list to show every elector who during that interval has voted, and shall on

request provide the document in the electronic format approved by the Chief Electoral Officer to a registered candidate or a candidate's agent.

Providing information after election

(6) The Chief Electoral Officer shall, after the election, provide to each registered party the updated official list of electors, in a format approved by the Chief Electoral Officer, showing whether each elector has voted. *1996,c.12,s.65; 2008,c.9,s.21; 2021,c.21,s.60.*

65.1 Proof of identity and residence by elector

(1) An elector shall provide the following proof of the elector's identity and, subject to subsection (3), the elector's residence for the purposes of clause 65(1)(b):

(a) one piece of identification issued by the provincial government, or an agency of it, showing the elector's name and address;

(b) two pieces of identification of a type authorized under subsection (2), each of which establishes the elector's name and at least one of which establishes the elector's address.

Authorized types of identification

(2) The Chief Electoral Officer may authorize types of identification for the purposes of clause (1)(b), which, for greater certainty, may include any document regardless of who issued the document.

Alternative proof of residence

(3) An elector who proves identity by providing two pieces of identification of a type authorized under subsection (2) that establish the elector's name may instead prove the elector's residence by taking an oath in writing in the form approved by the Chief Electoral Officer.

Examination of identification documents

(4) A candidate or the candidate's agent may examine but not handle any piece of identification presented under this section.

Voting

(5) Where the election officer is satisfied that an elector's identity and residence have been proven in accordance with subsection (1) or (3), that information and the information that the elector has voted shall be recorded with the elector's name and address in the poll book and the elector shall be immediately allowed to vote. *2021,c.21,s.61.*

65.2 Elector unable to enter polling station

(1) Where an elector whose name is on the official list of electors or who is qualified to vote at a polling station attends at the location of the polling station where the elector is qualified to vote but, due to a physical impairment, is unable to enter the polling station, the deputy returning officer may, if requested by the elector, take the necessary steps, including temporarily suspending voting at the polling station and using any procedure specified by the Chief Electoral Officer, to allow the elector to vote.

Application of certain sections

(2) Sections 65, 65.1 and 66 to 70.2 apply with any necessary changes to the voting procedure to be used for the purposes of subsection (1). *2021,c.21,s.61.*

66. Elector how to vote

An elector, on receiving the ballot paper, shall

(a) proceed into the voting compartment and mark the ballot paper by making a cross with a black lead pencil within the space on the ballot paper opposite the name and particulars of the candidate for whom the elector intends to vote;

(b) fold the ballot paper, so that the initials on the back can be seen without unfolding it;

(c) return, and

(i) hand the folded ballot paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the initials that it is the same ballot paper delivered to the elector, and

(ii) if it is,

(A) the deputy returning officer may, where requested to do so by the elector, return the folded ballot paper to the elector and the elector shall immediately place the ballot in the ballot box, or

(B) the deputy returning officer shall in full view of the elector and all others present deposit the ballot in the ballet box; and

(d) then leave the polling station. *1996,c.12,s.66; 2008,c.9,s.22; 2021,c.21,s.62.*

67. Incapacitated elector, voting procedure

(1) Subject to subsection (2), where an elector

(a) is unable to vote in the manner set out in section 66 because the elector is unable to read or is incapacitated by blindness or other physical infirmity; and

(b) is accompanied by a friend who is an elector and whose name is on the official list of electors for any polling division,

a deputy returning officer

(c) may require the elector and friend to take the oaths in the form approved by the Chief Electoral Officer; and

(d) may direct the incapacitated person to have the friend only accompany the incapacitated person into the voting compartment and assist the incapacitated person by marking the ballot paper in the manner directed by the elector; in this case, the friend shall take the oath of secrecy in the form approved by the Chief Electoral Officer, but in the event the incapacitated elector is not accompanied by a friend, the Deputy Returning Officer may accompany the elector into the voting compartment and assist the elector by marking the ballot paper in the manner directed by the elector,

but, subject to clause (d), no person shall at any election be allowed to act for the purpose of marking a ballot paper as the friend of more than one elector.

Entry of elector's name in poll book

(2) Repealed by 2021,c.21,s.63(2). *1996,c.12,s.67; 2002,c.4,s.15; 2021,c.21,s.63.*

68. Where ballot paper spoiled

Where an elector has inadvertently dealt with a ballot paper so that it should not be used

(a) the elector shall return it to the deputy returning officer; and

(b) the deputy returning officer shall

(i) without showing it to any other person, write the word "cancelled" upon it and place it in the envelope, and

(ii) deliver another ballot paper to the elector. *1996,c.12,s.68; 2008,c.9,s.23; 2021,c.21,s.64.*

69. Where name etc. on official list similar to that of elector

Repealed by 2021,c.21,s.65 *1996,c.12,s.69; 2008,c.9,s.24; 2021,c.21,s.65.*

70. Elector may vote where other person voted as such voter

(1) An elector who applies for a ballot paper after another person has voted as the elector may receive a ballot paper and vote

(a) if the elector takes the oath of a personated elector; and

(b) if required by the deputy returning officer, a candidate or candidate's agent, the elector takes the oath in the form approved by the Chief Electoral Officer.

Voting on second set of ballots in same name taking of oaths

(2) The election officer shall enter in the poll book, that the elector,

(a) voted on a second ballot paper issued under the same name;

(b) took the oath of a personated elector; and

(c) if required, took the oath in the form approved by the Chief Election Officer. *1996,c.12,s.70; 2021,c.21,s.66.*

70.1 Election officer to enter particulars in poll book

A poll clerk or registration clerk shall enter in the poll book the information required by this Act and the Chief Electoral Officer. *2003,c.34,s.3; 2021,c.21,s.67.*

70.2 Closing of polling location

(1) At the hour fixed for the closing of the polling location, an election officer shall secure the outside doors, and allow eligible electors within the proximity of the polling location entrance the opportunity to vote.

Hospital polling station to close at noon

(2) Where a polling station is established in a hospital, the deputy returning officer shall, notwithstanding section 48, ensure that voting is carried out in such a manner that the polling station is closed by noon, where practicable, on ordinary polling day in order to permit the ballots of patients to be distributed, before the close of polls that day, to the appropriate electoral districts.

Voting hours in community care facility or nursing home

(3) Where a polling station is established in a community care facility or a nursing home, the returning officer may vary the hours that the polling station is open, from those set out in section 48, if the returning officer is satisfied that the variance will facilitate the exercise of the right to vote of those persons living in the community care facility or nursing home. *2003,c.34,s.3; 2021,c.21,s.68.*

HOSPITALS, COMMUNITY CARE FACILITIES AND NURSING HOMES POLLING STATIONS

71. Establishment of polling station in hospital

(1) A polling station may be established on ordinary polling day in a hospital to permit patients in the hospital who are ordinarily resident in a polling division in the province to vote on ordinary polling day in their respective electoral districts by voting at the polling station, if those patients are otherwise qualified to do so under sections 20 to 22 and this section.

Moving polling station

(2) The deputy returning officer and the poll clerk may, on ordinary polling day, move the polling station to such rooms and areas in the hospital as the person in charge of the hospital permits in order to take the vote of those patients referred to in subsection (1).

Representative to be present

(3) Notwithstanding section 59 or subsection 70.2(1), the deputy returning officer and the poll clerk shall not allow a polling station established in a hospital to be open unless a representative of the hospital is present in the room or area where the polling station is located.

Agent may be present

(4) Repealed by *2008,c.9,s.25. 2003,c.34,s.4; 2008,c.9,s.25.*

71.1 Establishment of polling station in community care facility or nursing home

(1) A polling station may be established during the advance voting period in a community care facility or a nursing home in a polling division

(a) to permit persons living in the community care facility or nursing home to vote on ordinary polling day in the polling division by voting at the polling station, if those persons are otherwise qualified to do so under sections 20 to 23; and

(b) repealed by 2021,c.21,s.69(1)(c).

Voting in community care facility or nursing home

(2) Where a polling station is established in a community care facility or a nursing home, the deputy returning officer and the poll clerk shall, in accordance with the procedure specified by the Chief Electoral Officer, temporarily suspend voting in the polling station and carry the ballot box, poll book, ballot papers, and other necessary election supplies to such rooms and areas in the community care facility or the nursing home as the person in charge of the community care facility or the nursing home permits in order to take the vote of those persons referred to in clause (1)(a) who are bedridden.

Representative to be present

(3) Notwithstanding section 59 or subsection 70.2(1), the deputy returning officer and the poll clerk shall not, under subsection (2), take the votes of bedridden persons unless a representative of the community care facility or the nursing home is present in the room where the votes are given.

Agent may be present

(4) Where a polling station is established in a community care facility or a nursing home, one agent of each registered candidate may, if the agent has taken the oath of secrecy in the form approved by the Chief Electoral Officer, be present in the polling station while it is open, but

shall not accompany the deputy returning officer and the poll clerk when, under subsection (2), they are taking the votes of bedridden persons. *2003,c.34,s.4; 2021,c.21,s.69.*

71.2 Voting procedure for bedridden patients or persons

(1) The procedure to be used by a deputy returning officer in taking the vote of an elector who is a bedridden patient in a hospital, or a bedridden person in a community care facility or a nursing home, shall be as follows:

(a) the deputy returning officer shall provide the elector with the ballot paper for the elector's electoral district;

(b) the ballot paper provided to the elector shall

(i) be folded, as prescribed, and

(ii) be placed in a mail-in ballot envelope and a certificate envelope, if the elector is a patient in a hospital;

(c) in the case of an elector who is able to mark the ballot paper in the manner set out in clause 66(a), the elector shall be permitted to cast the elector's vote in the manner set out in section 66, as nearly as circumstances allow;

(d) subject to subsection (2), in the case of an elector who is unable to mark the ballot paper in the manner set out in clause 66(a), and who requests assistance in so doing, the deputy returning officer shall assist the elector by marking the ballot paper in the manner directed by such elector; and

(e) on receiving the ballot, the deputy returning officer shall fold the ballot paper so that the initials and the serial number on the back can be seen without unfolding it and deposit the ballot in the ballot box.

Ballot paper marked by DRO, required entry in poll book

(2) Repealed by 2021,c.21,s.70(2). *2003,c.34,s.4; 2021,c.21,s.70.*

72. Poll clerk to enter particulars in poll book

Repealed by *2003,c.34,s.5.*

73. Voting after closing time

Repealed by *2003,c.34,s.5.*

WHO MAY VOTE ON ORDINARY POLLING DAY

74. Persons who may vote at polling station

(1) Subject to subsection (2), a person is eligible to vote in a polling station on ordinary polling day if the person is eligible to have the person's name registered on the list of electors pursuant to section 20 in that polling division.

Persons not eligible to vote

(2) A person may not vote at a polling station on ordinary polling day if the person

(a) refuses to take the oath or is unable to provide proof of identity and residence, as provided for in section 65.1;

(b) has voted at the advance poll; or

(c) has voted by mail-in ballot.

Exception to ss (1)

(3) Repealed by 2021,c.21,s.71(3). *1996,c.12,s.74; 2021,c.21,s.71.*

COUNTING AND REPORTING THE VOTES

75. Duties of deputy returning officer after poll closed

At the close of the poll, and in the presence of the poll clerk, candidates or agents, not exceeding one agent for each candidate in each polling station, and if none is present, then in the presence of at least two electors, who may be election officers, the deputy returning officer shall

(a) complete the record of poll as instructed by the Chief Electoral Officer;

(b) open the envelope containing the cancelled ballot papers,

(i) count them,

(ii) mark the number on the front of the envelope, and

(iii) replace them in the envelope, seal it with a gummed paper seal and initial it;

(c) count the unused ballot papers undetached from the books of ballot papers,

(i) mark the number of unused ballots on the front of the envelope,

(ii) place them, with the stubs of all used ballot papers, in the envelope, seal it with a gummed paper seal and initial it;

(d) complete such entries as may be required by the Chief Electoral Officer on the statement of the poll;

(e) open the ballot box; and

(f) subject to sections 76 to 78, count the votes by

(i) giving a tally sheet in the form approved by the Chief Electoral Officer to the poll clerk and to not less than two other persons,

(ii) after each person present is given full opportunity to examine a ballot, decide whether the ballot should be rejected under section 77 or counted, and

(iii) if the ballot is to be counted, call out the vote and have it entered on the tally sheets. *1996,c.12,s.75; 2002,c.4,s.16.1; 2008,c.9,s.26; 2021,c.21,s.72.*

76. Rejection of ballots

(1) In counting the votes, a deputy returning officer shall reject and place in the separate envelopes, a ballot

(a) that was not supplied by the deputy returning officer;

(b) that is not marked for any candidate;

(c) on which votes have been given for more than one candidate;

(d) that is so marked to render it uncertain for which candidate the voter has voted; or

(e) upon which there is any writing or mark by which the voter can be identified.

Restriction on rejection of ballots

(2) Notwithstanding subsection (1), no ballot paper shall be rejected by reason only that

(a) it has on it any writing, number or mark placed thereon by any deputy returning officer; or

(b) it has been marked with a writing instrument other than a black lead pencil or with a mark other than a cross, if the mark does not constitute identification of the elector. *1996,c.12,s.76; 2008,c.9,s.27; 2021,c.21,s.73.*

77. Objections to ballots, procedure

If during the counting of the votes, a candidate or agent, or an elector who is present, objects to any ballot, a deputy returning officer shall

(a) hear and decide every question arising out of the objection, and, subject to reversal on a recount or on a petition questioning the election or return, that decision shall be final;

(b) if the deputy returning officer determines that the ballot be rejected, place it in the envelope; and

(c) if the deputy returning officer determines that the ballot be not rejected, count the vote. *1996,c.12,s.77; 2008,c.9,s.28; 2021,c.21,s.74.*

78. Ballot found with counterfoil attached

Repealed by 2021,c.21,s.75. *1996,c.12,s.78; 2021,c.21,s.75.*

79. Duties of deputy returning officer after counting ballots

After counting the votes, a deputy returning officer or poll clerk, as directed by the deputy returning officer, shall

(a) complete such entries as may be required by the Chief Electoral Officer, on the statement of the poll approved by the Chief Electoral Officer;

(b) place the ballots for each candidate in the separate envelope forms;

(c) endorse the contents on each envelope and seal it with a gummed paper seal;

(d) sign the paper seals, and permit any other person present to also sign the paper seals;

(e) complete the required number of copies of the statement of the poll, sign each statement and have the poll clerk and any other person present who wishes to do so also sign each statement, and deliver them to the returning officer together with the envelopes supplied by the Chief Electoral Officer;

(f) enclose in the ballot box

(i) repealed by 2021,c.21,s.76(e),

(ii) the envelopes,

(iii) all official lists of electors, in paper format, used at the polling station, and

(iv) all other election documents used at the poll;

(g) seal the ballot box with the seal provided for that purpose and the slit or opening with the seal provided for that purpose in the presence of the poll clerk, candidates or agents and cause the ballot box to be personally delivered to the returning officer;

(h) open the ballot box only in the presence of the poll clerk and candidates or agents if for any reason the ballot box is required to be opened after it has been sealed, and then reseal in their presence and transmit it in accordance with clause (g); and

(i) after the hour fixed for the closing of the polls, declare the result of the poll. *1996,c.12,s.79; 2002,c.4,s.17; 2007,c.29,s.6; 2008,c.9,s.29; 2021,c.21,s.76.*

79.1 Use of alternative voting and vote counting equipment

(1) The Chief Electoral Officer may issue a direction requiring the use of alternative voting and vote-counting equipment during an election and modifying the voting and vote-counting processes, including the process for a judicial recount, established by this Act to permit the use of alternative voting and vote-counting equipment.

Restrictions

(2) The alternative voting and vote-counting equipment shall be tested

(a) before the first elector uses the equipment to vote; and

(b) after the last elector uses the equipment to vote.

Testing

(3) For the purpose of subsection (2), testing includes, but is not limited to, logic and accuracy testing.

Choice not to be made known

(4) The alternative voting and vote-counting equipment shall register each elector's vote but not in a way that permits the choice of an individual elector to be made known to any person.

Place of application

(5) The Chief Electoral Officer's direction may apply to one or more electoral districts.

Content of direction

(6) The Chief Electoral Officer's direction shall

(a) identify the electoral district or districts to which it applies;

(b) specify the time period during which it applies;

(c) describe the modifications in detail; and

(d) refer to the provisions of this Act that shall not be complied with and specify the nature and extent of non-compliance in each case.

Notice - when

(7) The Chief Electoral Officer shall provide notice of the direction in accordance with subsection (8) as soon as possible after the direction is made, and in any case before the close of nominations in any election to which it applies.

Notice - how

(8) The Chief Electoral Officer's direction shall be published on a website on the Internet and copies shall be provided

(a) to the leader of each registered party; and

(b) to the returning officer for each electoral district to which the direction applies.

Validity of election

(9) An election held in accordance with this section is not invalid by reason only of any non-compliance with this Act that is authorized by the direction.

Report

(10) Where an election is conducted in accordance with a direction under this section, the Chief Electoral Officer shall make a report that includes an evaluation of the modifications made by

the direction to the Speaker of the Legislative Assembly, and the Speaker shall submit the report to the Legislative Assembly. *2021,c.21,s.77.*

SAFEKEEPING OF THE BALLOT BOX

80. Safeguarding ballot boxes

The returning officer, upon the receipt of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than the returning officer and his or her election clerk from having access thereto. *1996,c.12,s.80; 2021,c.21,s.78.*

TIME OFF FOR VOTING

81. Employee to have time off for voting

(1) An employee, who is an elector, shall, while the poll is open on ordinary polling day, have a reasonable and sufficient time, not to be less than one hour, for the purpose of casting the employee's vote.

Time off with pay, special case

(2) If the employment of an employee does not permit the use of one hour of the employee's own time for voting, the employer shall allow the employee such additional time with pay from the hours of the employee's employment as may be necessary to provide the one hour, but the additional times for voting shall be granted to the employee at the time of day that best suits the convenience of the employer.

Application of section

(3) This section does not apply to an employee who is engaged in the operation and dispatch of scheduled buses, motor transports, ships and aircraft, and to whom the time mentioned in subsection (1) cannot be allowed without interfering with the scheduled operation or dispatch of buses, motor transports, ships or aircraft.

Intimidation etc. by employer, offence

(4) An employer who refuses, or by intimidation, undue influence, or in any other way, interferes with the use by an employee of the time for voting, or fails to pay the employee as provided in this section, is guilty of an offence. *1996,c.12,s.81; 2021,c.21,s.79.*

ADVANCE POLLS

82. Advance polling stations advance polls

(1) The Chief Electoral Officer shall establish one or more advance polling stations in each electoral district for the purpose of enabling electors who expect, for any reason, to be unable to vote at their polling division on the day fixed for a general election to vote in advance at an election held in the electoral district in which such electors reside.

Advance polling stations, location

(2) The advance polling stations when established shall be located in an appropriate location in each electoral district.

Advance polls, hours open

(3) An advance polling station shall be open between the hours of 9:00 a.m. and 7:00 p.m. on Saturday the 9th day before ordinary polling day, on Monday the 7th day before ordinary polling day, and on Friday the 3rd day before ordinary polling day.

Conduct of advance poll

(4) Except as provided in this section, an advance poll shall be conducted and all things done in respect thereof in the same manner as is provided by this Act for the conduct of a general election.

Advertising advance poll

(5) After the Chief Electoral Officer has caused a consolidated proclamation to be published, as required by section 15, the Chief Electoral Officer shall publish the place, date and time fixed for the holding of each advance poll in one or more daily newspapers printed in the province and circulated in each electoral district in which the advance poll is to be held.

Additional advance polls

(5.1) Additional advance polls may be established in a suitable location in the electoral district on the dates and at the times determined by the Chief Electoral Officer.

Additional advance polls

(6) Repealed by *2008,c.9,s.30.*

Voting procedure for advance poll in office of RO

(7) Repealed by *2008,c.9,s.30.*

Offences

(8) Repealed by *2002,c.4,s.18. 1996,c.12,s.82; 2002,c.4,s.18; 2003,c.34,s.6; 2008,c.9,s.30; 2021,c.21,s.80.*

83. Advance polls - eligible elector

A person may vote at an advance polling station

(a) if the person's name is on the official list of electors of the electoral district in which the advance poll is to be held; or

(b) if the person's name is not on the official list of electors of the electoral district, the person takes the required oath or oaths in the form approved by the Chief Election Officer. *2002,c.4,s.19; 2021,c.21,s.81.*

84. Election officer to keep record

(1) The election officer at an advance poll shall, under the direction of the deputy returning officer, keep a record of the names and addresses of all persons who vote at the advance poll, and shall have each elector sign the form approved by the Chief Electoral Officer to indicate that the elector has voted.

Access to ballot box

(2) The deputy returning officer shall, at all times after the opening of the advance poll and during the hours of voting, take every precaution to prevent any person, other than an election officer, from having access to the ballot box. *2002,c.4,s.19; 2003,c.34,s.7; 2021,c.21,s.82.*

85. Advance poll, list of voters

Repealed by 2021,c.21,s.83. *2002,c.4,s.19.*

86. Affixing seals to ballot box at close of poll

(1) At the close of an advance poll,

(a) the deputy returning officer and an election officer, and also any candidate or agent of a candidate present who desires to do so, shall initial the seals affixed to the ballot box in such a manner that it cannot be opened nor ballot papers deposited in it without breaking the seals; and

(b) the deputy returning officer shall, in the presence of an election officer, deliver the ballot box to the returning officer, who shall take charge of and safely keep the ballot box until polling day.

Counting advance poll ballots, procedure

(2) At such hour on polling day as the Chief Electoral Officer may direct, the deputy returning officer, the poll clerk and one agent representing each political party or independent candidate shall attend at a location to be determined by the returning officer, and the deputy returning officer shall

(a) permit the returning officer to break the seal covering the slot in the advance poll ballot box and in accordance with Schedule 2 Mail-in Ballot Voting Rules deposit therein the mail-in ballots;

(b) break the seals and open the advance poll ballot box;

(c) count the ballots cast for each of the candidates;

(d) complete the appropriate forms; and

(e) after the hour fixed for the closing of the polls, declare the result of the advance poll. *1996,c.12,s.86; 2008,c.9,s.31; 2021,c.21,s.84.*

DETERMINATION DAY

87. Count of votes,

(1) Subject to section 88, the official addition of the votes shall be conducted by the returning officers at their headquarters commencing on the 2nd day after ordinary polling day.

Ascertaining number of votes

(2) On the official addition of the votes, a returning officer shall, in the presence of the election clerk and the candidates or agents, not exceeding one agent for each candidate, who are present, ascertain the number of votes cast for each candidate in each polling station in the electoral district by means of the information in the statement of the poll. *1996,c.12,s.87; 2008,c.9,s.32; 2021,c.21,s.85.*

88. Alternative procedure for counting votes

(1) Where the statement of the poll cannot be obtained for a polling station, the returning officer may ascertain the number of votes cast for each candidate

(a) from the endorsements on the envelope in the ballot box which contains the ballots cast for the candidates;

(b) from the deputy returning officer, or the poll clerk; or

(c) from such evidence as the returning officer is able to obtain.

Powers of returning officer in counting votes

(2) The returning officer, in the performance of the returning officer's duties under subsection (1)

(a) may adjourn the official addition of votes from time to time as may be necessary;

(b) may summon any person to appear before the returning officer at a day and hour to be named by the returning officer and to bring all necessary papers and other documents;

(c) shall give notice of the proceedings, and of the day and hour thereof, to the candidates; and

(d) may examine on oath any person respecting the matter in question.

Offence not to attend

(3) A person refusing or neglecting to attend on the summons of a returning officer issued under this section is guilty of an offence. *1996,c.12,s.88; 2008,c.9,s.33; 2021,c.21,s.86.*

89. Sealing ballet box after counting votes

After a ballot box has been opened for the purpose of ascertaining the number of votes cast for each candidate, the returning officer shall return the ballots to the ballot box, seal the box and permit a candidate or candidate's agent present to sign the seal. *1996,c.12,s.89; 2021,c.21,s.87.*

90. Conclusion of official addition, duties of returning officer

At the conclusion of the official addition of the votes which shall be completed not later than the 2nd day after ordinary polling day, a returning officer shall

(a) complete the recapitulation sheet for the electoral district in the form approved by the Chief Electoral Officer;

(b) transmit a copy of the recapitulation sheet

(i) to each candidate concerned,

(ii) to the Chief Electoral Officer;

(c) repealed by 2021,c.21,s.88;

(d) if a statement of the poll was not obtained for a polling station, transmit to the Chief Electoral Officer a statement of how the returning officer ascertained the number of votes cast for each candidate at that polling station; and

(e) transmit to the Chief Electoral Officer the accounts relating to the administration of the conduct of the polls in the electoral district in the manner required by the Chief Electoral Officer. *1996,c.12,s.90; 2021,c.21,s.88.*

RECOUNT BY RETURNING OFFICER

90.1 Recount by returning officer

(1) Before announcing the official results, and no later than the fifth day following ordinary polling day, the returning officer shall recount the ballots

(a) in any case where the votes counted for each of the leading candidates are within 10 votes, and the results of the recount could change the election results; and

(b) on the request of a candidate to the returning officer, where the votes counted for that candidate are within 15 votes of the votes counted for another candidate.

Request by candidate

(2) A request by a candidate for a recount by the returning officer under clause (1)(b) shall be made no later than the third day after ordinary polling day.

Security for costs

(3) The candidate making a request for a recount shall deposit with the Chief Electoral Officer the sum of $200 in legal tender, or a money order or certified cheque made payable to the Minister of Finance and Affordability, as security for the costs of the recount.

Persons present

(4) Any person who was present at the official addition of the votes pursuant to subsection 87(2) may be present during the recount.

Conduct of recount

(5) At the time and place determined by the returning officer, the returning officer shall make a final addition from the statements of the poll contained in the ballot boxes, and to count all the ballot papers, and for that purpose shall open the sealed envelopes containing

(a) the used ballots which have been counted; and

(b) the rejected ballot papers.

Finding of tie vote

(6) Where the returning officer, on completion of the final addition and recount, finds that an equality of votes exists between candidates, the returning officer shall notify the Chief Electoral Officer and the Chief Judge under section 91 that a judicial recount is necessary.

Costs

(7) The costs of a judicial recount pursuant to subsection (6) shall be paid by the Chief Electoral Officer. *2021,c.21,s.89; 2026,c.11,s.3.*

JUDICIAL RECOUNT

91. Recount of ballots, petition and procedure

(1) Within five days after the day on which the returning officer has completed and distributed the recapitulation sheet under section 90, the returning officer or any candidate may apply to the Chief Judge of the provincial court for a recount of all the ballots cast in the electoral district by filing a petition with the judge, and depositing with the Chief Judge the sum of $200 in legal tender, or a money order or a certified cheque made payable to the Minister of Finance and Affordability, as security for the costs of the recount.

Assignment of judge

(2) The Chief Judge may assign a provincial court judge to recount all the ballots cast and that judge shall, within four clear days after the filing of the petition, by order appoint a place and time for the recount.

Time limitation for

(3) The recount shall commence not later than 10 days after the date of the order. *1996,c.12,s.91; 2008,c.9,s.34; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2021,c.21,s.90; 2026,c.11,s.3.*

92. Notice to candidates

The judge shall give notice in writing by registered mail, to the candidates concerned of the time and place at which the judge will proceed to recount the ballots and make final addition. *1996,c.12,s.92; 2021,c.21,s.91.*

93. Summoning returning officer and election clerk to attend

The judge shall summon the returning officer and the returning officer's election clerk to attend then and there with the parcels containing the ballot papers and such other documents used at the election, with respect to or in consequence of which such recount or final addition is to take place, and the returning officer and election clerk shall obey the summons. *1996,c.12,s.93; 2021,c.21,s.92.*

94. Who may be present at recount

(1) At the recount of ballots and final addition by the judge, the returning officer and the election clerk shall be present, and each candidate is entitled to be present in person or be represented by one agent appointed by the candidate to attend.

Additional persons

(2) Except with the sanction of the judge, no other person shall be present at such recount and final addition. *1996,c.12,s.94; 2021,c.21,s.93.*

95. Recount by judge from certain materials

At the time and place appointed and in the presence of the said persons, the judge shall proceed to make a final addition from the statements contained in the ballot boxes returned by the several deputy returning officers, and to count all the ballot papers, returned by the several deputy returning officers, and shall for that purpose open the sealed envelopes containing

(a) the used ballots which have been counted;

(b) the rejected ballot papers;

(c) repealed by 2021,c.21,s.94. *1996,c.12,s.95; 2021,c.21,s.94.*

96. Final addition to proceed continuously

(1) The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition and recount of the ballots allowing only time for refreshment.

Judge to safeguard ballot papers and documents

(2) During the excluded time and recess for refreshments, the judge shall place the ballot papers and other documents relating to the election under the judge's own seal, and shall otherwise take all necessary precautions for the security of such papers and documents. *1996,c.12,s.96; 2021,c.21,s.95.*

97. Procedure for counting ballots

The judge shall proceed to recount the ballots according to the rules set forth for every deputy returning officer at the close of the poll, and shall verify or correct the statements of the poll giving the ballot paper account and the number of votes cast for each candidate. *1996,c.12,s.97.*

98. Judge to seal ballot papers in envelopes

On completing the recount, or as soon as the result of the poll has been ascertained, the judge shall seal the ballot papers in their respective envelopes. *1996,c.12,s.98; 2021,c.21,s.96.*

99. Review of decisions of returning officer

(1) Repealed by 2021,c.21,s.97.

Power of judge regarding witnesses

(2) For the purpose of arriving at the facts, the judge shall have all the powers of a returning officer with regard to the attendance and examination of witnesses. *1996,c.12,s.99; 2021,c.21,s.97.*

100. Judge to certify recount

The judge shall forthwith certify the result of the recount and final addition to the returning officer, who shall then declare to be elected the candidate having the highest number of votes. *1996,c.12,s.100.*

101. Where judge finds tie vote

When the judge, upon completion of the recount and final addition, finds that an equality of votes exists between candidates, the judge shall report the same to the returning officer, who shall then proceed in the manner set forth in section 102. *1996,c.12,s.101; 2021,c.21,s.98.*

102. Casting vote by returning officer

Where it is reported to the returning officer pursuant to section 101 that an equality of votes is found to exist between candidates, the returning officer shall, in the presence of at least two of the persons authorized to be present under subsection 94(1), toss a coin to determine the winning candidate. *1996,c.12,s.102; 2008,c.9,s.35.*

103. Results not altered by recount, costs

If the recount and final addition does not so alter the result of the poll as to affect the return, the judge may order the costs of the candidate appearing to be elected to be paid by the petitioner. *1996,c.12,s.103.*

104. Assessment of costs

The judge may assess the costs on giving the decision; and shall as nearly as possible, follow the tariff of costs in the Supreme Court. *1996,c.12,s.104; 2021,c.21,s.99.*

105. Security moneys, distribution

(1) The moneys deposited as security for costs shall be paid out to the elected candidate on account thereof as far as necessary.

Deposit insufficient, action for

(2) If the deposit is insufficient, the party in whose favour costs are awarded shall have an action for the balance in any court of competent jurisdiction. *1996,c.12,s.105.*

106. Application to Supreme Court where judge refuses to comply

(1) In case of any omission, neglect, or refusal of the judge to comply with the provisions in respect of the recount and final addition, or to proceed in accordance with them, any party aggrieved may, within 8 days thereafter, make application to a judge of the Supreme Court for an order commanding the judge to comply with those provisions and to proceed with and complete the recount and final addition.

Application by affidavit

(2) The application referred to in subsection (1) may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to the omission, refusal or neglect.

Order of Supreme Court for hearing of application

(3) The judge of the Supreme Court to whom the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing a time within 8 days and a place for the consideration of the application, and directing the attendance of all parties interested at that time and place, and shall give directions for the service of the order and of the affidavit upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties concerned.

Service on parties

(4) The judge of the Supreme Court may direct that service upon any of the parties may be made by mail, or in such other manner as the judge may direct. *1996,c.12,s.106; 2021,c.21,s.100.*

107. Filing of affidavits in reply

The judge complained of, or any of the parties concerned, may file in the office of the Prothonotary affidavits in reply to those filed by the applicant, and upon demand, shall furnish the applicant with copies of them. *1996,c.12,s.107; 2008,c.20,s.72(24); 2021,c.21,s.101.*

108. Order of Supreme Court on application

At the time and place appointed by the judge of the Supreme Court, after hearing the parties, that judge or some other judge of the same court, shall make such order as the facts of the case warrant, either dismissing the application or commanding the judge in default to take such action as is necessary in order to comply with the requirements of this Act in respect of the recount and final addition of votes by a judge, and to proceed with and complete such recount and final addition, and may make an order as to costs. *1996,c.12,s.108.*

109. Judge to carry out directions of order

A judge so found to be in default shall forthwith carry out the directions of any order so made; and there shall be the same remedies for the recovery of the costs awarded by the order as for that of the costs in ordinary cases in the Supreme Court. *1996,c.12,s.109.*

DECLARATION DAY

110. Declaration of election, transmission of

The returning officer shall, subject to section 111, immediately after the 8th day following ordinary polling day or the ascertainment by the returning officer of the number of votes given for each candidate, unless before that time, the returning officer receives notice that the returning officer is required to attend before a judge for the purposes of a recount and final addition by that judge of the votes given at the election, and where there has been a recount and final addition by the judge, immediately thereafter, transmit in Form 1, the return to the Chief Electoral Officer that the candidate having the largest number of votes in each electoral district has been duly elected. *1996,c.12,s.110; 2021,c.21,s.102.*

111. Delay where recount

The returning officer shall, after the receipt of notice from the judge that a recount and final addition will be conducted in any electoral district, delay transmitting the return for that district to the Chief Electoral Officer in so far as the return is affected by the recount until the returning officer receives a certificate from the judge of the result of the recount and final addition and on receipt of the certificate the returning officer shall make the return for that district. *1996,c.12,s.111; 2021,c.21,s.103.*

112. Returning officer to transmit documents to Chief Electoral Officer

The returning officer shall transmit to the Chief Electoral Officer personally the writ and all the ballot papers including those unused, the original statements of the several deputy returning officers together with the poll books used in the several polling divisions, and all other documents used or furnished for the election or which have been transmitted to the returning officer by the deputy returning officer. *1996,c.12,s.112; 2021,c.21,s.104.*

113. Notice of candidate's election in Gazette

The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the Legislative Assembly, immediately give notice in the Gazette of the name of the candidate so elected. *1996,c.12,s.113.*

RETENTION OF DOCUMENTS

114. Chief Electoral Officer to retain papers

The Chief Electoral Officer shall, subject to this Act, retain the election documents transmitted to the Chief Electoral Officer by any returning officer, with the return, for at least three months if the election is not contested during that time, and if the election is contested, then for three months after the termination of the contestation. *1996,c.12,s.114; 2021,c.21,s.105.*

115. Inspection of election documents

All election documents filed with the Chief Electoral Officer are public records and may be inspected by any elector upon request at the office of the Chief Electoral Officer during normal office hours. *1996,c.12,s.115; 2021,c.21,s.106.*

SECRECY

116. Secrecy of voting, responsibility for

A person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting. *1996,c.12,s.116.*

117. Offences

A person is guilty of an offence who, directly or indirectly,

(a) at or about a polling station, interferes or attempts to interfere with an elector when marking a ballot paper, or otherwise attempts to ascertain the name of the candidate for whom an elector is about to vote or has voted;

(b) communicates information about the manner in which a ballot paper has been marked in the person's presence in a polling station;

(c) induces or endeavours to induce a voter to show the voter's ballot paper so as to make known the name of the candidate for whom the voter has voted; or

(d) communicates information obtained in a polling station as to the candidate for whom an elector at the polling station is about to vote or has voted. *1996,c.12,s.117; 2021,c.21,s.107.*

PEACE AND GOOD ORDER

118. Peace and good order at an election, provisions for

Repealed by 2021,c.21,s.108. *1996,c.12,s.118; 2021,c.21,s.108.*

REPORT OF THE CHIEF ELECTORAL OFFICER

119. Report of Chief Electoral Officer to Speaker of Legislative Assembly

(1) The Chief Electoral Officer may, before or within ten days after the commencement of a session of the Legislative Assembly, make a report to the Speaker of the Legislative Assembly on

(a) any matter which has occurred in connection with the administration of the office since the date of the last report and which the Chief Electoral Officer considers should be brought to the attention of the Legislative Assembly; and

(b) any amendments which are, in the Chief Electoral Officer's opinion, desirable for the more convenient administration of this Act.

Submission of report to Legislative Assembly

(2) The Speaker shall submit the report received from the Chief Electoral Officer to the Legislative Assembly. *1996,c.12,s.119; 2021,c.21,s.109.*

FEES AND EXPENSES

120. Tariff of fees and expenses

Upon the recommendation of the Chief Electoral Officer, the Lieutenant Governor in Council may make a tariff of fees and expenses to be paid to any person for the person's services and expenses under this Act and may revise and amend the tariff. *1996,c.12,s.120; 2021,c.21,s.110.*

QUALIFICATIONS OF ELECTION OFFICERS

121. Election officers to be qualified electors

No person shall be appointed as an election officer unless the person is otherwise qualified as an elector in any electoral district in the province. *1996,c.12,s.121; 2002,c.4,s.20; 2008,c.9,s.36; 2021,c.21,s.111.*

121.1 Qualified election poll workers

The Chief Electoral Officer may designate election officer positions that may be held by a resident of the province who is between the ages of 16 and 18 years. *2021,c.21,s.112.*

122. Manner of giving notice

When an election officer is by this Act authorized or required to give a public notice and no special mode of notification is provided, the notice may be by advertisement, or by such other means of communication as he or she considers will best effect the intended purpose. *1996,c.12,s.122.*

OATHS AND AFFIRMATIONS

123. Who may take oaths

(1) An oath, affirmation, affidavit or statutory declaration, authorized or required to be made under this Act, may be taken before

(a) the person who by this Act is expressly required to administer it; or

(b) if no person is expressly required to administer it, then before the Chief Electoral Officer, Deputy Chief Electoral Officer, a returning officer or other election officer, a judge, lawyer, notary public, justice of the peace, or a commissioner for taking affidavits.

No fee for oaths

(2) The oath, affirmation, affidavit or declaration shall be administered gratuitously. *1996,c.12,s.123; 2008,c.9,s.37; 2021,c.21,s.113.*

HOLIDAYS AND TIME

124. Changing of time and notice by Chief Electoral Officer

Except in the case of ordinary polling day, the Chief Electoral Officer may advance or postpone a day on which this Act provides for the doing or carrying out of any act or thing to the first day immediately following or preceding the day that is not a holiday, and shall immediately give notice in at least one printed daily newspaper published in the province, on local radio or local television, or on the Internet, including social media. *1996,c.12,s.124; 2021,c.21,s.114.*

OFFENCES

125. Offences

Every one is guilty of an offence who, not being authorized by this Act, wilfully

(a) has a ballot paper or ballot in the person's possession;

(b) alters, defaces, or destroys a ballot paper;

(c) supplies a ballot paper to any person;

(d) deposits a paper other than a ballot paper in a ballot box;

(e) takes a ballot paper out of a polling station;

(f) delivers to the deputy returning officer, to be placed in a ballot box, anything other than the ballot paper given to the person by the deputy returning officer;

(g) destroys, takes, opens or otherwise interferes with a ballot box or a ballot;

(h) prints anything capable of being used as a ballot paper;

(i) prints a ballot paper; or

(j) places any writing, number, or mark on a ballot paper so that an elector may be thereby identified. *1996,c.12,s.125; 2021,c.21,s.115.*

126. Giving money or other consideration

(1) Every one is guilty of an offence who gives, offers, procures or provides money, valuable consideration, employment, food or drink to induce a person

(a) to vote or refrain from voting;

(b) to procure the vote of any person;

(c) to procure the election or return of any person to serve as a member of the Legislative Assembly; or

(d) to accept or refuse a nomination as a candidate, or to withdraw if nominated.

Accepting money or other consideration

(2) Every one is guilty of an offence who accepts or receives or agrees to accept or receive money, valuable consideration, employment, food or drink to induce a person

(a) to vote or refrain from voting;

(b) to procure the vote of any person;

(c) to procure the election or return of any person to serve as a member of the Legislative Assembly; or

(d) to accept or refuse a nomination as a candidate, or to withdraw if nominated.

Applying for money or other consideration

(3) Every one is guilty of an offence who applies to a candidate or the candidate's agent for money, valuable consideration, employment, food or drink to induce a person

(a) to vote or refrain from voting;

(b) to procure the vote of any person;

(c) to procure the election or return of any person to serve as a member of the Legislative Assembly; or

(d) to accept or refuse a nomination as a candidate, or to withdraw if nominated. *1996,c.12,s.126; 2008,c.9,s.38; 2021,c.21,s.116.*

127. Exception to section 126

Section 126 does not extend to

(a) the personal expenses of a candidate; or

(b) any food or drink given or provided

(i) by a political organization at a meeting sponsored by it,

(ii) by a person at the person's place of residence, or

(iii) repealed by 2021,c.21,s.117. *1996,c.12,s.127; 2021,c.21,s.117.*

128. Publishing false statement

Every one is guilty of an offence who knowingly makes or publishes a false statement concerning the electoral process. *1996,c.12,s.128; 2021,c.21,s.118.*

129. Offences

Every one is guilty of an offence who

(a) applies to be included in a list of electors in the name of some other person, whether that person is living, dead or fictitious;

(b) applies to be included in a list of electors for an electoral district in which the person is not ordinarily resident with intent to be improperly included in that list;

(c) repealed by 2021,c.21,s.119;

(d) having voted, applies at another polling station for a ballot paper;

(e) votes more than once at the same election; or

(f) votes or induces a person to vote knowing that the person is for any reason not entitled to vote. *1996,c.12,s.129; 2021,c.21,s.119.*

129.1 Offences, use of list of electors

Every one is guilty of an offence who uses all or part of a list of electors for any purpose unless the list or part of the list is used

(a) by a registered party, a member of such a party, a registered candidate or a member of the Legislative Assembly for the purpose of communicating with the electors, including the soliciting of contributions and campaigning;

(b) by an election officer for the purpose of carrying out the election officer's duties under this Act; or

(c) by a federal or municipal electoral authority or an education authority under the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, or an officer of such an authority, for the

purpose of a federal, municipal or education authority election. *2002,c.4,s.21; 2016,c.6,s.115; 2021,s.21,s.120; 2022,c.91,s.2.*

130. Offences, intimidation, duress etc.

Every one is guilty of an offence who by intimidation, duress or any pretence or contrivance, or by any other means,

(a) compels, induces or prevails upon any person to vote or refrain from voting at an election; or

(b) represents to any person that the ballot paper to be used or the mode of voting at an election is not secret. *1996,c.12,s.130; 2021,c.21,s.121.*

131. Offences by candidates

Every candidate is guilty of an offence who, during an election

(a) agrees, at the request of any person, to follow a course of action that will prevent the candidate from exercising freedom of action in the Legislative Assembly, or to resign therefrom if called upon by any person;

(b) pays or promises to pay the wages or earnings of an elector lost as a result of casting or agreeing to cast the elector's vote. *1996,c.12,s.131; 2021,c.21,s.122.*

132. Interfering with notices, offences

Every one who removes, mutilates, defaces or alters any notice, or document, required by this Act to be posted is guilty of an offence. *1996,c.12,s.132.*

133. Offences by election officers

Every election officer is guilty of an offence who knowingly

(a) fails or refuses to comply with any of the provisions of this Act;

(b) while performing the duties of the election officer's office, acts as an agent or canvasser for any candidate;

(c) makes any alteration or insertion in or omission from

(i) a confirmation record,

(ii) a list of electors,

(iii) a poll book, or

(iv) any other election document

with the intent to falsify such record, list, book or document; or

(d) acts as an election officer without lawful authority. *1996,c.12,s.133; 2002,c.4,s.22; 2021,c.21,s.123.*

134. Offences, supporting of candidate on polling day

Every one is guilty of an offence, who, during the hours of polling on any polling day and within 200 feet of a polling location

(a) while in a polling station supplies, carries or wears any flag, ribbon, emblem, badge or like favour with the intent to distinguish the user as the supporter of a registered candidate or registered party;

(b) supplies, carries or uses a loudspeaker, public address system, flag or banner with the intent that it be used to support a registered candidate or registered party;

(c) posts or displays in or on a polling station or polling location, any literature, emblem, ribbon, flag, banner, card, bill, poster or device that supports a registered candidate or registered party; or

(d) organizes or participates in a parade or demonstration that supports a registered candidate or registered party. *1996,c.12,s.134; 2008,c.9,s.39; 2021,c.21,s.124.*

134.1 Offence

Except as otherwise provided by this Act, every person who is guilty of an offence under section 134 is liable on summary conviction to a fine in an amount not less than $100 and not exceeding $500. *2021,c.21,s.125.*

135. Acting in disorderly manner, offences

Every one is guilty of an offence, who acts, or incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of the election. *1996,c.12,s.135.*

136. *Summary Proceedings Act* to apply

The *Summary Proceedings Act* R.S.P.E.I. 1988 Cap. S-9 applies to every proceeding taken against a person charged with an offence under this Act. *1996,c.12,s.136.*

137. Penalties

Except as otherwise provided by this Act, every person who is guilty of an offence under this Act is liable on summary conviction to a fine in an amount not less than $500 and not more than $2,000. *1996,c.12,s.137; 2021,c.21,s.126.*

138. Penalties for attempts or aiding, abetting, counselling

Every one is guilty of an offence and liable to the same punishment as the person who commits it

(a) who attempts to commit or is an accessory after the fact to the commission of; or

(b) who aids, abets, counsels or procures the commission of,

an offence punishable under this Act. *1996,c.12,s.138.*

139. Ground of privilege not to apply

(1) Subject to subsections (2) and (3), no person shall be excused from answering any question put to the person in any proceeding under this Act concerning any election or the conduct of any person thereat or in relation thereto on the ground of privilege.

Elector not required to show for whom voted

(2) The evidence of an elector to show for whom the elector voted at an election is not admissible in evidence in any proceeding under this Act.

Answer by person claiming privilege not to be used elsewhere

(3) No answer given by any person claiming to be excused on the ground of privilege shall be used in any other proceedings under this Act, but the person presiding at the proceeding shall give the witness a certificate that the witness claimed the right to be excused on that ground and made full and true answers to the satisfaction of that person. *1996,c.12,s.139; 2021,c.21,s.127.*

140. Proof of certain matters not required

In any proceeding under this Act

(a) it is not necessary to produce the writ or the return thereof, or the authority of the returning officer founded upon the writ, but the general evidence of such facts is sufficient evidence; and

(b) the certificate of the returning officer is sufficient evidence of the holding of the election, or of any person named in the certificate having been a candidate thereat. *1996,c.12,s.140.*

CORRUPT PRACTICES

141. Corrupt practices under *Controverted Elections (Provincial) Act*

Every one who commits a breach of any of the provisions of sections 125 to 131 or section 133, may be found guilty of a corrupt practice under the *Controverted Elections (Provincial) Act*. *1996,c.12,s.141.*

142. Additional punishment for conviction of corrupt practices

Every one who is reported under the *Controverted Elections (Provincial) Act* as having been found guilty of a corrupt practice, in addition to any other punishment provided herein, shall, during the five years after the report, be incapable of being elected to or of sitting in the Legislative Assembly or of holding any office at the nomination of the Lieutenant Governor in Council, or of being appointed to any position in the civil service of the province. *1996,c.12,s.142.*

143. Candidate guilty of corrupt practice, election void

(1) Subject to subsection (2), if it is found by the judge trying an election petition under the *Controverted Elections (Provincial) Act* that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate at an election, the candidate's election, if the candidate has been elected, shall be held void.

Knowledge of candidate necessary to offence

(2) No election shall be held void under subsection (1) unless the act or omission which constituted the corrupt practice was done or omitted by

(a) the candidate in person; or

(b) any agent of the candidate with the actual knowledge and consent of the candidate. *1996,c.12,s.143; 2021,c.21,s.128.*

144. Witness convicted of perjury, disqualification of candidate to cease

If the witnesses, or any of them, on whose testimony a person has become disqualified under section 143, are convicted of perjury with respect to the testimony, a court shall, upon being satisfied that the disqualification was procured by reason of the perjury, order that the disqualification shall thereupon cease. *1996,c.12,s.144.*

MISTAKES OF FORM

145. Election not to be declared invalid for certain noncompliances

No election shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the taking of the poll, or the counting of the votes, or by reason of any want of qualification in the person signing a nomination paper received by the returning officer, under the provisions of this Act, or of any mistake in the use of the forms, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such noncompliance or mistake did not affect the result of the election. *1996,c.12,s.145.*

AMENDMENTS

146. Consolidation of amendments

After the passing of any amendment to this Act, the Chief Electoral Officer may

(a) consolidate the amendment in copies of the Act printed for distribution; and

(b) correct and reprint all forms and instructions affected thereby. *1996,c.12,s.146.*

SCHEDULE 1

FORM 1

WRIT OF ELECTION

Election Act

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To …….., Returning Officer of District No. ……. Electoral District …….. in the Province of Prince Edward Island.

GREETINGS:

We command that you, according to law, cause a proclamation of an election to be issued and an election to be held in District No. ……. Electoral District …….. as a member to serve in the Legislative Assembly of Prince Edward Island, and that you cause a poll, where it is granted, to be held on the ……. day of …….. next; and that you make a return under your hand of this writ, and of your doings thereon together with the name of the person declared elected, to the Chief Electoral Officer at Charlottetown.

In testimony whereof , I have set my hand and affixed my seal this ……. day of ……., 20 …...

By Command

.....
Chief Electoral Officer

(Note: Form No. 1 is prescribed by section 6 of the Act)

REPORT OF PROCEEDINGS AND RETURN BY RETURNING OFFICER

On receipt of the within Writ, I immediately proceeded in accordance therewith and the *Election Act* and did cause the nomination of candidates to be closed at 2:00 p.m. on the ……. day of ……., 20….. by which time the following persons were duly nominated as candidates:

.....

.....

.....

And, I hereby make the following return:

***RE* ELECTION IS BY ACCLAMATION (Section 46)**

I, the undersigned declare that the following candidate was elected by acclamation in District No. ……. Electoral District ……. as a member of the Legislative Assembly of Prince Edward Island:

……. of .....

Dated at …….., this…….……. day of …….……, 20 .....

…….

Returning Officer

B. RETURN AFTER POLL HAS BEEN TAKEN (Section 113)

I, the undersigned, certify that a poll was granted, and it was held on the ……. day of……., 20…..; and on Determination Day, I completed the official addition of the votes and found the number of votes cast for each candidate was: (Type exact name as on nomination paper)

.....
.....
.....
.....

And a recount of votes was held and the learned Judge found the number of votes cast for each candidate was: (Type exact name as on nomination paper)

.....
.....
.....
.....

And the candidate having the majority of votes was:

.....

And I declare the following candidate was elected by District No. ……. Electoral District …… as a member of the Legislative Assembly of Prince Edward Island:

.....

Dated at……., this ……. day of ……., 20…...

…….
Returning Officer

(*2008,c.9,s.9*)

FORM 2

Repealed by 2021,c.21,s.129(1).

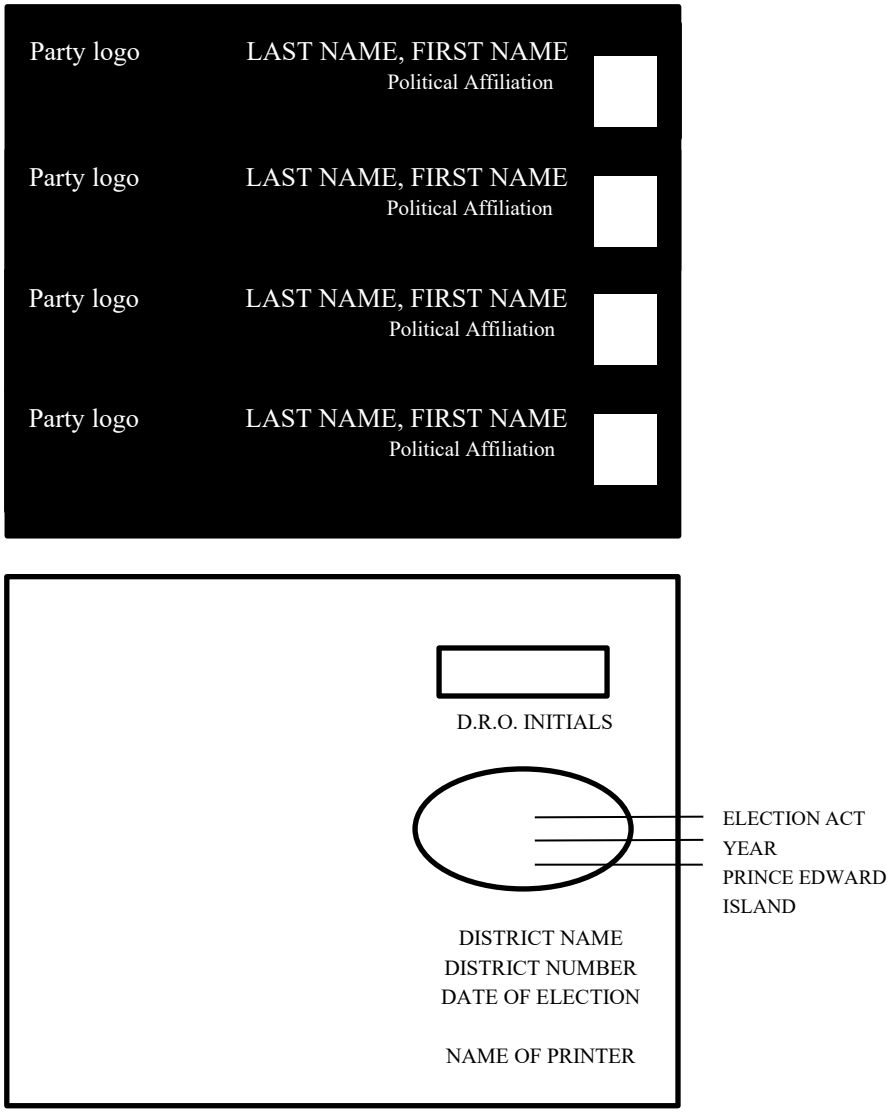
FORM 3

Repealed by 2021,c.21,s.129(1).

2003,c.34,s.8; 2008,c.41,s.4; 2010,c.3,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2021,c.21,s.129(1).

FORM 4 - FORM OF BALLOT PAPER

2021,c.21,s.129(2)



SCHEDULE 2

MAIL-IN BALLOT VOTING RULES

1. Definitions

In these Rules

(a) "Act" means the *Election Act*;

(b) "application for registration and mail-in ballot" means an application completed by an elector for registration in an electoral district and a mail-in ballot.

(c) "Canadian Forces elector" means an elector who is qualified and entitled, under section 5, to vote under these Rules;

(d) "certificate envelope" means the envelope supplied by the Chief Electoral Officer in which the inner envelope is placed by the elector;

(e) "commanding officer" means the commanding officer of a unit;

(f) "elector" means a person entitled to vote pursuant to the Act;

(g) "hours of the day" and all other references to time relate to local time;

(h) "inner envelope" means the envelope supplied by the Chief Electoral Officer in which a ballot paper is to be enclosed after the ballot paper has been marked and before the ballot paper is transmitted to the Chief Electoral Officer or Returning Officer in an outer envelope;

(i) "mail-in ballot" means the ballot papers supplied to electors who are eligible under these Rules;

(j) "outer envelope" means the envelope supplied by the Chief Electoral Officer for the transmission of a ballot paper after it has been marked and enclosed in an inner envelope and certificate envelope;

(k) "polling day" means the date fixed pursuant to section 5 of the Act for holding the poll at an election;

(l) "statement of ordinary residence" means the statement completed by Canadian Forces personnel who are qualified and entitled to vote under these Rules;

(m) "validated application for registration and mail-in ballot" means that the electoral district has been entered on the application and signed by the Chief Electoral Officer;

(n) "validated statement of ordinary residence" means a statement of ordinary residence on which the electoral district of the elector has been entered;

2. Administration by Chief Electoral Officer

(1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of these Rules.

Adaptation of rules

(2) For the purpose of carrying into effect these Rules or in order to adapt these Rules in respect of a particular circumstance, the Chief Electoral Officer may issue such instructions as necessary in order to execute their intent.

3. Mail-in ballot form

The mail-in ballots shall be in the form of the ballot paper set out in Form 4 of Schedule 1.

4. Canadian forces elector

(1) Every member of the Canadian Forces who is qualified as an elector is entitled to vote under these Rules if the member is

(a) a member of the regular force of the Canadian Forces;

(b) a member of the reserve force of the Canadian Forces on full-time training or service or on active service; or

(c) a member of the special force of the Canadian Forces.

Civilian Canadian Forces elector

(2) Every civilian who is employed outside Canada by the Canadian Forces as a teacher in a Canadian Forces school or as administrative support staff for such school and is qualified under the Act as an elector is entitled to vote under these Rules.

5. Completion of statement of ordinary residence

Repealed by 2021,c.21,130(2).

6. Voting limited to electoral district of ordinary residence

Repealed by 2021,c.21,130(2).

7. Procedure

Repealed by 2021,c.21,130(2).

8. Elector qualified to vote pursuant to rules

An elector who ordinarily resides in the Province of Prince Edward Island and who is not subject to any disqualification set out in section 21 of the Act is qualified to vote at an election in accordance with these Rules if that person's application for registration and mail-in ballot is received in writing or by electronic transmission by 6:00 p.m. at the office of the returning officer or Chief Electoral Officer on or before the 13th day before polling day.

9. List of electors, inclusion on

(1) To be included on the list of electors, an elector must file with the Chief Electoral Officer or returning officer an application for registration in the Register and for a mail-in ballot containing such information in such form as the Chief Electoral Officer may require.

Vote by mail-in ballot only

(2) Once an elector's application for registration and mail-in ballot has been accepted, that elector may only vote by mail-in ballot.

10. Offence

Every person who knowingly makes a false statement in an application for registration and mail-in ballot is guilty of an offence.

11. Additional information

The Chief Electoral Officer may, where an application for registration and mail-in ballot does not contain all the required information, request the applicant to provide the Chief Electoral Officer with the required information.

12. Application approval

The Chief Electoral Officer shall, after issuing the writs and on approval of an application for registration and mail-in ballot, send to each elector, at the address set out in the application that has been provided by the elector, a mail-in ballot package.

13. Casting of vote

An elector who receives a ballot shall mark the ballot within the space on the ballot containing the name and particulars of the candidate for whom the elector intends to vote.

14. Ballot paper to be sealed in envelopes

After casting a vote, an elector shall fold the ballot paper in the same manner as the ballot paper was received and place the ballot paper in the inner envelope, seal the inner envelope and place it in the certificate envelope, which the elector shall sign, date and seal.

15. Return envelope to Chief Electoral Officer

An elector shall transmit the certificate envelope to the Chief Electoral Officer in the envelope provided by mail or through any other prepaid system of delivery.

16. Receipt of mail-in ballot date

The mail-in ballot must arrive at the office of the Chief Electoral Officer not later than 12 noon on ordinary polling day in order to be counted.

17. Onus on elector to deliver application

(1) For the purposes of these mail-in voting rules, the elector is solely responsible for ensuring that the application for registration and mail-in ballot is completed and received by the Chief Electoral Officer or returning officer within the time period specified.

Onus on elector to deliver mail-in ballot

(2) The elector is solely responsible for ensuring that the mail-in ballot is received by the Chief Electoral Officer within the time period specified.

18. Entitlement of persons in correctional institutions to vote

(1) Every person who is incarcerated in a provincial correctional institution, a federal penitentiary or a youth custody facility and who is otherwise qualified to vote under the Act is entitled to vote under these Rules.

Exercise of right to vote

(2) An incarcerated elector is not entitled to vote under these Rules unless that person has signed an application for registration and mail-in ballot pursuant to section 9 of these Rules.

Federally incarcerated elector

(3) A federally incarcerated elector is entitled to vote under these Rules only for a candidate in the electoral district in which is situated the place of ordinary residence in Prince Edward Island to which the incarcerated elector intends to return on release from the institution.

Provincially incarcerated elector

(3.1) A provincially incarcerated elector is entitled to vote under these Rules only for a candidate in the electoral district in which is situated

(a) the institution of the incarcerated elector; or

(b) the place of residence in Prince Edward Island to which the incarcerated elector intends to return on release from the institution,

as shown on the application for registration and mail-in ballot made by the elector under section 9 of these Rules.

Application for registration, incarcerated elector

(4) Prior to 6 p.m. on the 13th day before ordinary polling day, an incarcerated elector who wishes to vote shall file with the Chief Electoral Officer an application for registration and mail-in ballot indicating the elector's place of ordinary residence, determined in accordance with subsection (5).

Place of ordinary residence

(5) For the purposes of completing the application for registration and mail-in ballot, the place of ordinary residence of an incarcerated elector is the electoral district in which the elector is entitled to vote, in accordance with subsection (3) or (3.1), as the case may be.

19. Application to be validated

All applications for registration and mail-in ballot shall be validated with the name of the electoral district in which is situated the residence shown in the application and such application shall be signed and dated by the Chief Electoral Officer as validation of the application.

20. Coordinating officer

Repealed by 2021,c.21,s.130(13).

21. Special instructions for rules

The Chief Electoral Officer shall, for the purposes of these Rules, issue

(a) security instructions for the safekeeping of ballot papers, inner envelopes, certificate envelopes and all other election-related documents approved for use by the Chief Electoral Officer; and

(b) instructions for the receiving, sorting and counting of the mail-in ballots.

22. Deadlines for mail-in ballot papers

Only ballot papers received by the Chief Electoral Officer before 12 noon on ordinary polling day shall be counted.

23. Envelope to bear date and time received

(1) Every certificate envelope received by the Chief Electoral Officer must bear on the back of the envelope in the space provided the date and time received by the Chief Electoral Officer and the Chief Electoral Officer's initials.

Envelope rejection

(2) Notwithstanding subsection (1), no envelope shall be rejected by reason only that the Chief Electoral Officer has not initialled the envelope.

Procedure where outer envelope is laid aside

(3) A certificate envelope shall be laid aside unopened where, during the receiving and sorting of certificate envelopes, it is determined on examination of a certificate envelope that

(a) in respect of any vote, a certificate envelope does not bear the signature of the elector;

(b) the correct electoral district of the elector whose ballot is contained in the certificate envelope cannot be determined;

(c) the certificate envelope has been received by the Chief Electoral Officer after 12 noon on ordinary polling day; or

(d) the certificate envelope relates to an electoral district in which a candidate endorsed by a registered party has died between nomination day and polling day.

Procedure where elector votes more than once

(4) Where, after receiving and prior to counting the certificate envelopes, it is ascertained that an elector has voted more than once, the certificate envelopes relating to that elector shall be laid aside unopened.

Disposition of outer envelopes that are laid aside

(5) Where a certificate envelope is laid aside unopened pursuant to subsection (3) or (4),

(a) the certificate envelope shall be endorsed by the election officer with the reason why it has been laid aside;

(b) in the case of an certificate envelope laid aside pursuant to subsection (4), the ballot paper contained in the certificate envelope shall be deemed to be a spoiled ballot.

Special report

(6) Repealed by 2021,c.21,s.130(16)(e).

24. Safekeeping of mail-in ballot envelopes

(1) The Chief Electoral Officer shall ensure that the mail-in ballot envelopes returned to the office of the Chief Electoral Officer are kept sealed and in safekeeping until the envelopes are delivered to the designated returning officer.

Delivery of envelopes to returning officers

(2) The mail-in ballot envelopes shall be delivered to the returning officer for that district prior to the time and place specified for the commencement of counting the advance poll ballots.

Mail-in ballot envelopes received late to be kept separate

(3) All mail-in ballot envelopes received after the prescribed deadline shall remain sealed and be kept separate and shall be initialled by the Chief Electoral Officer and marked with the date and time of their receipt.

25. Mail-in ballot not accepted

(1) The Chief Electoral Officer shall set aside a mail-in ballot if

(a) the elector's identification does not correspond to the application received at the office of the returning officer;

(b) more than one mail-in ballot has been issued to an elector;

(c) repealed by 2021,c.21,s.130(18)(a); or

(d) the outer envelope was received after the prescribed deadline pursuant to section 16.

Objections to mail-in ballots

(2) Repealed by 2021,c.21,s.130(18)(b).

26. Counting of mail-in ballots

(1) The election officer and the advance poll deputy returning officer shall count all valid inner envelopes and enter the count on the statement of poll.

Counting mail-in ballots, procedure

(2) At the time and the location specified by the returning officer for the counting of the advance poll ballots, an election officer shall open the inner envelope, remove the ballot and, without opening it, place the ballot in the advance poll ballot box.

27. Offences

Any person is guilty of an offence who

(a) attempts to obtain or communicate any information as to the candidate for whom any ballot paper has been marked by an elector;

(b) interferes with, or attempts to interfere with an elector when marking a ballot paper, or otherwise attempts to obtain any information as to the candidate for whom any elector is about to vote or has voted;

(c) knowingly applies for a ballot paper to which that person is not entitled;

(d) makes any untrue statement in the application signed by that person to obtain a mail-in ballot;

(e) prevents or endeavours to prevent any elector from voting at an election

28. Offences

Every person is guilty of an offence where, in order to induce or compel an elector to vote for any candidate or to refrain from voting, or on account of the elector having voted for any candidate or refrained from voting at an election, the person, directly or indirectly, personally or through any other person,

(a) uses or threatens to use any force, violence or restraint, inflicts or threatens to inflict any injury, damage, harm or loss or in any manner practises intimidation on or against an elector; or

(b) by abduction, duress or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector.

29. Validity of election not affected by non-compliance

The validity of an election shall not be questioned

(a) on the ground of any omission or irregularity in connection with the administration of these Rules, if it appears that the omission or irregularity did not affect the result of the election; or

(b) on the ground that, for any reason, it was found impossible to secure the vote of any elector under these Rules. *2002,c.4,s.24; 2003,c.34,s.9; 2008,c.9,s.40; 2021,c.21,s.130.*