

CHAPTER 5 OF THE ACTS OF 2011
amended 2011, c. 60; 2013, c. 17

**An Act Respecting the Election
of Members to the House of Assembly
and Electoral Finance**

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(The table of contents is not part of the statute)

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Election Commission

356 (1) There shall be a commission to be known as the “Election Commission” which shall

(a) make recommendations to the Chief Electoral Officer respecting amendments to this Act or any related enactment that, in the opinion of the Election Commission, would improve the elections process or the administration of this Act, which may be included by the Chief Electoral Officer in the Chief Electoral Officer's report pursuant to clause 163(1)(d);

(b) advise the Chief Electoral Officer regarding the administrative conduct of elections and the administration of the electoral finance regime;

(c) advise the Chief Electoral Officer regarding the piloting of a procedure, equipment or technology pursuant to Section 357; and

(d) advise the Chief Electoral Officer regarding the initiation or conduct of studies pursuant to subsection 21(4) and (5).

(2) The Election Commission is composed of

(a) a person appointed by the Governor in Council to be the Chair of the Election Commission; and

(b) two persons appointed by each of the leaders of a recognized party as defined by the *House of Assembly Act*.

(3) The Chair holds office for a term of five years and may be re-appointed.

(4) The Chair is removable only for cause by the Governor in Council acting upon a resolution of the House of Assembly.

(5) A person appointed to the Election Commission by a leader of a recognized party within the meaning of the *House of Assembly Act* holds office for a term of two years unless the person is sooner replaced by the leader of that registered party.

(6) Where persons are appointed to the Election Commission by the leader of a party and the party ceases to be a recognized party within the meaning of the *House of Assembly Act*, those persons cease to be members of the Commission.

(7) Only persons entitled to be registered as electors at a general election may be appointed to the Election Commission by the Governor in Council or a leader of a recognized party.

(8) No person may be appointed or act as a member of the Election Commission who is

- (a) a candidate in a Provincial or federal election; or
- (b) a member of the House of Assembly or a member of the Parliament of Canada.

(9) One half of the members of the Election Commission at a duly constituted meeting constitute a quorum and any vacancy on the Election Commission does not impair the right of the remaining members of the Election Commission to act.

(10) The Chair and each other member of the Election Commission shall be compensated for reasonable expenses incurred in the performance of duties and the Chair and each member of the Election Commission shall be paid such remuneration as the Governor in Council determines.

(11) The Chief Electoral Officer is entitled to receive notice and attend all meetings of the Election Commission and make observations and suggestions on any subject under discussion at such meetings.

(12) The Election Commission shall consult with such disabilities organizations or associations or such individuals as it considers necessary before making recommendations to or advising the Chief Electoral Officer in respect of matters pertaining to accessibility for persons with disabilities. 2011, c. 5, s. 356.

Directive to use alternate procedure, equipment or technology

357 (1) Notwithstanding any other provision of this Act or the regulations, when requested to do so by a resolution by a majority vote of the House of Assembly, the Chief Electoral Officer may direct the use at a by-election, or in up to one third of the total electoral districts at a general election, of a process, procedure, equipment or technology that is different from that required by this Act if the procedure, equipment or technology relates to any of the following:

- (a) voting;
- (b) elector registration;
- (c) the form of ballot;
- (d) the list of electors;
- (e) polling divisions;
- (f) polling stations;
- (g) counting of votes;
- (h) the manner of reporting, filing, disclosing, recording and publishing information and receiving payment;
- (i) the adaptation of voting procedures to enable electors with disabilities to vote without assistance;
- (j) electoral finance.