

**HALIFAX**

# **Election Campaign Financing By-law**

Executive Standing Committee

20-Sep-18

# Charter Amendment

The Council may make by-laws, not inconsistent with Sections 49A and 49B of the Municipal Elections Act (MEA), respecting contributions and expenses for the election campaigns of candidates for the office of Mayor or councillor including, without limiting the generality of the foregoing, election campaign spending limits, maximum contribution amounts, disclosure requirements, eligibility to contribute and dates for making contributions.

# Proposed By-law

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## When Can Contributions Be Accepted and Expended?

- General election: 12 months prior to ordinary polling day terminating 60 calendar days after ordinary polling day.
- Special election: the day immediately after the date of the special election has been set terminating 60 calendar days after polling day.

# Proposed By-law – Contributions

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## Who Can Contribute?

- Only Individuals, Candidates or a Spouse of a Candidate may contribute to a campaign.
- Corporations, trade unions, associations, and partnerships may not contribute to a campaign.

## Maximum Contribution Amounts

- Max \$2,500 per councillor or mayoral candidate
- Not exceed \$7,500 per individual during an election.
- A Candidate and their Spouse may contribute no more than \$10,000 combined to their campaign.

# Proposed By-law – Spending

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## Maximum Spending Limits

$$\text{\$10,000} + (\text{\$1.00} \times \text{number of electors}) + (\text{\$1.00} \times \text{km}^2)$$

The proposed by-law results in the following spending limits for the 2020 election:

**Maximum Spending Limit for Mayoral Race (City-Wide): \$304,200.00**

**Average Maximum Spending Limit for District Councillor: \$28,400.00**

# Proposed By-law – Expenses

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The by-law outlines the following eligible expenditures:

- Nomination deposit
- Advertising and printing costs, including online advertising
- Office and facility rental costs
- Office administrative costs, including office supplies and equipment
- Insurance costs
- Remuneration or salaries
- Costs of printed electoral materials, including maps, lists of electors, signs, sign posts, sign holders, and distribution costs such as postage and couriers
- Storage costs for electoral materials
- Food, beverage, and entertainment costs
- Transportation costs

# Proposed By-law – Disclosure

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## What are the Reporting Requirements?

- Every individual who has named an Agent, must file a Statement of Campaign Contributions & Expenditures and Statement of Campaign Surplus with the Municipal Clerk's Office.
- These statements are made public and outline the contribution period, contributions received, contributions spent, whether there was a surplus, and how any surplus was disposed.

## What Happens to Campaign Surplus?

- Campaign surplus must be either:
  - Donated to a non-profit organization; or
  - Held “in trust” by the Municipality for use during the next two regular elections.

# Proposed By-law – Transition & Complaints

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## Complaints Process

- Any complaints would be received by the Municipal Clerk's Office within 90 days of the deadline for Statement of Campaign Contributions & Expenditures.
- Complaints would be reviewed and investigated by By-law Standards, and may be referred to HRP, staff would work with outside legal counsel to address any possible charges or fines.

## Implementation & Transition Period

- Candidates would need to cease collecting or expending contributions after the by-law has come into effect.
- Contributions collected or expended before this time would be reported on the Statement of Campaign Contributions & Expenditures and would count towards the spending limit for 2020.

# Next Steps

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## 2020 Municipal Election

- Communications materials in advance of the 2020
- Post-Election Review 2021

## Use of Corporate Resources Policy

- Complementary to the proposed by-law and to mitigate any risk to candidates or HRM (as a corporate entity).
- Ensure that municipal, corporate assets and resources are not used for election campaign purposes and considered an “in kind” contribution.

# Draft Brochure (front)

## Background:

Initiated by Halifax Regional Council in 2015 and approved by the Province of Nova Scotia in 2016, municipal staff was asked to develop rules to increase accountability and transparency in municipal elections. Jurisdictional research informed an extensive public consultation process through community meetings and the Shape Your City website. The input received was analysed and forms the basis of the Campaign Financing By-law.

This guide introduces potential candidates to the new requirements regarding campaign contributions, expenditures, and disclosure.

## Definitions:

### Contributions:

*Services, money or property donated to support the political purposes of a Candidate.*

### Permitted Expenditures:

*Those expenditures made to further a Candidate's campaign.*



## Office of the Municipal Clerk

### Contact Information:

City Hall  
1841 Argyle Street, Main Floor  
PO Box 1749  
Halifax, NS B3J 3A5  
Tel: 902.490.4210  
Fax: 902.490.4208  
Email: [elections@halifax.ca](mailto:elections@halifax.ca)

### Hours of Operation:

Monday – Friday, 8:30 a.m. – 4:30 p.m.

Updated: September 12, 2018

# HALIFAX

## Campaigning in 2020?

WHAT YOU SHOULD KNOW  
ABOUT MUNICIPAL ELECTION  
CAMPAIGN FINANCING

# HALIFAX

# Draft Brochure (back)

## ABOUT THE BY-LAW

The by-law identifies *three* key components that govern campaign financing during municipal elections:

### 1) Contributions:

Contributions may only be accepted once an Official Agent has been appointed.

Only Individuals, Candidates, or a Spouse of a Candidate may contribute to a campaign, which excludes corporations, trade unions, non-profit groups, associations, and partnerships.

An Individual may contribute up to \$2,500 per Councillor Candidate and \$2,500 per Mayoral Candidate not to exceed \$7,500 in total contributions per Individual during an election.

A Candidate and their Spouse may contribute no more than \$10,000 combined to their campaign.

Contributions may only be received:

1. By an Official Agent
2. During the Contribution Period

The Contribution Period is defined as follows:

- For a general election, twelve months prior to ordinary polling day terminating sixty calendar days after ordinary polling day.
- For a special election, the day immediately after the date of the special election has been set terminating sixty calendar days after ordinary polling day.

### 2) Spending Limits:

The by-law sets spending limits for all Council positions using a formula that provides a base rate plus amounts corresponding to the number of registered electors and size of the election district.

#### Spending Limit Formula:

$$\begin{aligned} & \$10,000 \\ & + (\$1.00 \times \# \text{ of electors}) \\ & + (\$1.00 \times \text{km}^2) \end{aligned}$$

\*\* The km<sup>2</sup> are rounded up to the nearest whole number and the spending limits are rounded up to the nearest 100th dollar.

The Returning Officer will provide each Candidate with the spending limit for their district. The by-law sets out the following spending limits for the 2020 election:

**Spending Limit for Mayoral Candidates (total Municipality): \$304,200.00**

**Average Spending Limit for District Councillor Candidates (by district): \$28,400.00**



### Permitted Expenditures:

**Only** the following expenses are eligible expenditures for campaign contributions up to the defined spending limit:

- The nomination deposit;
- Advertising and printing costs;
- Office and facility rental costs;
- Office administrative costs;
- Insurance costs;
- Remuneration or salaries;
- Printed electoral materials and distribution costs;
- Storage costs for electoral materials;
- Food, beverage, and entertainment costs; and
- Transportation costs.

### 3) Disclosure, Reporting and Surplus:

Every person who has named an Official Agent will file a Statement of Campaign Contributions & Expenditures and a Statement of Campaign Surplus, which will be made public.

#### Any Surplus will be:

- Donated to a non-profit organization; or
- Held "in trust" for the candidate's use during the next two regular elections

For more details, please see the full Campaign Financing By-law available online at: <http://.....>