



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 3
Halifax Regional Council
August 31, 2021

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Mayor Mike Savage, Chair, Executive Standing Committee

DATE: August 23, 2021

SUBJECT: Review of By-law C-1100, Respecting Campaign Financing

INFORMATION REPORT

ORIGIN

August 16, 2021 meeting of the Executive Standing Committee, Item 12.1.1.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, section 60A, as follows:

The Council may make by-laws, not inconsistent with Sections 49A and 49B of the *Municipal Elections Act*, 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.

Administrative Order One, the *Procedures of the Council Administrative Order*, Schedule 6, Executive Standing Committee Terms of Reference, General Governance of the Council, section 8 as follows:

The Executive Standing Committee shall act as a review committee for matters related to the general self-governance and administration of the Council as directed by the Council.

BACKGROUND/DISCUSSION

The Executive Standing Committee received a staff recommendation report dated January 11, 2021, at their August 16, 2021 meeting.

For further discussion on this item, refer to the staff report dated January 11, 2021 (Attachment 1).

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached staff report dated January 11, 2021 (Attachment 1).

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated January 11, 2021 (Attachment 1).

COMMUNITY ENGAGEMENT

The agenda and reports of Executive Standing Committee are posted on Halifax.ca, and draft minutes of the meeting will be made available on Halifax.ca within three business days.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated January 11, 2021 (Attachment 1).

ALTERNATIVES

The Executive Standing did not provide alternatives.

For further information on alternatives as it relates to this item, refer to the staff report dated January 11, 2021 (Attachment 1).

ATTACHMENTS

Attachment 1 – Report dated January 11, 2021 received by Executive Standing Committee.

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jill McGillicuddy, Legislative Assistant 902.483.2810

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: [REDACTED] (Original Signed)
Chris Giddens, Acting Executive Director of Legal and Legislative Services

[REDACTED] (Original Signed)
Jacques Dubé, Chief Administrative Officer

DATE: January 11, 2021

SUBJECT: Review of By-law C-1100, *Respecting Campaign Financing*

ORIGIN

Item 2 of the October 30, 2018 Regional Council motion (Item 14.1.1):

MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT Halifax Regional Council:

1. Adopt By-law C-1100, the Campaign Financing By-law, as set out in the revised Attachment A of the staff report dated August 15, 2018.
2. Direct staff to conduct a review of By-law C-1100 after the next regular election and return to the Executive Standing Committee with their findings; and
3. Request a staff report regarding the introduction of an administrative order on the use of HRM corporate resources during an election.

MOTION PUT AND PASSED.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, section 60A, as follows:

The Council may make by-laws, not inconsistent with Sections 49A and 49B of the *Municipal Elections Act*, 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.

Administrative Order One, the *Procedures of the Council Administrative Order*, Schedule 6, Executive Standing Committee Terms of Reference, General Governance of the Council, section 8 as follows:

The Executive Standing Committee shall act as a review committee for matters related to the general self-governance and administration of the Council as directed by the Council.

RECOMMENDATION

That the Executive Standing Committee accept this report and forward to Halifax Regional Council for information.

BACKGROUND

On September 20, 2018 staff presented the proposed By-law C-1100, the *Campaign Financing By-law* (By-law), to the Executive Standing Committee. Members of the public were invited to speak through public participation, on the proposed By-law for up to five minutes. After the discussion, the Standing Committee approved a motion recommending that Halifax Regional Council adopt the By-law.

On October 2, 2018 Council ratified the Committee of the Whole recommendation that Council give First Reading to the proposed By-law, with the following amendments:

- the maximum contribution for Councillor campaign be reduced from \$2,500 to \$1,000 and the limit on the total individual contribution be reduced to \$5,000;
- the maximum spending for Mayor be capped at \$300,000 and for Councillors be capped at \$30,000 with no use of a formula;
- the maximum candidate/spouse contribution be increased from \$10,000 to \$15,000; and
- the period in which campaign contributions can be accepted and expended be changed from one year to March 1, 2018 the year of the election and for 60 days to 30 days following the election.

In addition, Council ratified the Committee of the Whole recommendation requesting a supplementary staff report to address:

1. Potential housekeeping amendments submitted by the public;
2. Limits being put on fundraising in 60 days following election;
3. Potential methods of ensuring that candidates do not receive a tax receipt for contributions donated to a charity;
4. Value be given for an expense from signs from previous election;
5. How contributions can be refunded in the case of Acclamation; and
6. A personal expense (for travel purposes) separate from the total expenditure limit.

On October 2, 2018 Halifax Regional Council gave First Reading to the By-law, and it was as adopted on October 30, 2018.

On February 25, 2020 Council adopted the *Elections Administrative Order* in response to item 3 of the October 30, 2018 motion. This report addresses item 2 of the October 30, 2018 motion.

As provided in the *Municipal Elections Act*, R.S., c. 300, s. 10; 1998, c. 18, s. 568., the Municipal Election was held on October 17, 2020¹.

DISCUSSION

This report examines By-law C-1100 and the application during the 2020 Halifax Regional Municipality and Conseil scolaire acadien provincial Elections (2020 Municipal Election). This report does not recommend any amendments to the By-law.

¹ The three Candidates for the position of member of the Conseil scolaire acadien provincial were acclaimed; therefore, an election was not required for 2020.

From the period August 27 to September 8, 2021, eighty-nine people interested in being Candidates for the office of the Mayor, district Councillor, and member of the Conseil scolaire acadien provincial (CSAP) filed their nomination and Official Agent forms with the Returning Officer. The breakdown of the 89 Candidates

were: three Candidates for the office of Mayor, eighty-three Candidates for the position of Councillor, spread-out between Districts 1 through 16, and three Candidates for member of CSAP. Candidates were provided information packages that included campaign financing information.

After the 2020 Municipal Election, Candidates were required to comply with two sets of disclosure requirement. The first is required under the *Municipal Elections Act* (MEA) while the second is required under the By-law.

The MEA requires every Candidate, within sixty days after a municipal election, to file a disclosure statement (Form 40). The disclosure statement is required to show the full name and address of each contributor (individual or business) whose total contributions were over fifty dollars for the period since the previous election. Anyone may examine a disclosure statement of a Candidate during regular office hours.

In addition to any disclosure requirements of the MEA, the By-law requires every Candidate, also within sixty days, to file a Statement of Campaign Contributions and Expenditures², and a Statement of Campaign Surplus (collectively "Campaign Statements"). The By-law requires the Returning Officer to create the Campaign Statements and requires certain information be included on them.

2020 Municipal Election – Lessons Learned and Potential Changes

Throughout the 2020 Municipal Election, the Clerk's Office worked with Candidates to address implementation of the By-law. The election was met with many challenges, partially as a result of COVID-19. Most campaign financing filings were completed virtually rather than in person, but this is not expected to be the process for 2024 election.

The following themes were identified throughout the 2020 Municipal Election:

- difficulty collecting contributor's information, including civic address;
- processing in-kind donations and endorsements; and
- difficulty meeting the 60-day time requirements for filing.

Currently the By-law mirrors the Province's timelines under the MEA (60 days). If additional time was to be considered to file the Campaign Statements under the By-law, it would not affect the provincial timelines and establish two unique timelines for the campaign finance provisions.

The Clerk's Office completed a review of candidates Campaign Statements and identified some common themes across the filings, including:

- missing information or formatting errors in the contribution information provided (contributors' full name, address format contribution date); and
- five Candidates were late filing.

The Clerk's Office is conducting a review of the Election Program in preparation for the 2024 Municipal and CSAP Elections which includes reviewing the administrative procedures related to campaign financing. These changes in process do not require amendments to the By-law and include but are not limited to the following:

- Revising the Campaign Statements, including forms that have gone through a user accepted testing process;
- Confirmation of staff levels for accepting the Campaign Statements, including increasing the

² [By-law C-1100, Respecting Campaign Finance](#)

- number of Commissioners of Oaths able to take oaths and receive these Statements;
- Dedicated resource/contact point for Candidates and their official agents for questions, clarification and filing of forms and other election related information; and
- Revision of communication strategy and approach specific to campaign financing.

FINANCIAL IMPLICATIONS

No financial implications at this time.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

No community input was required.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Executive Standing Committee could recommend that Halifax Regional Council amend Section 17 Disclosure Requirements of By-law C-1100, *Respecting Campaign Financing*, to extend the time to file Campaign Statements from sixty to ninety days after the election. The required amendment is attached to this report as Attachment 1.

If Executive selects this option, the main motion would need to be defeated, and the following motion passed:

That Executive Standing Committee recommend that Halifax Regional Council adopt By-law C-1102, amending the *Campaign Financing By-law*, as set out in Attachment 1 to this report.

2. Executive Standing Committee could extend the timeframe for a period other than ninety days. If Executive selects this option, the main motion would need to be defeated, and the following motion passed:

That Executive Standing Committee recommend that Halifax Regional Council adopt By-law C-1102, amending the *Campaign Financing By-law*, as set out in Attachment 1 to this report, with the following amendment:

(1) the words, brackets, and numbers “ninety (90)” in clauses 1(b) and 2(b) of Attachment 1 are replaced with “[insert number of days]”.

3. Executive Standing Committee could direct other amendments to the *Campaign Financing By-law*. If this option is selected, these amendments would require a supplementary report with draft amendments for consideration by the Committee.

ATTACHMENTS

Attachment 1 Amending By-law for Alternative One

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Iain MacLean, Municipal Clerk, 902.237.2860
 Krista Vining, Legislative Assistant, 902.223.1046

**ATTACHMENT 1
(Amending By-law for Alternative 1)**

**HALIFAX REGIONAL MUNICIPALITY
BYLAW C-1102
RESPECTING CAMPAIGN FINANCING**

BE IT RESOLVED by the Council of the Halifax Regional Municipality that By-law C-1100, the *Campaign Financing By-law*, is amended as follows:

1. Subsection 17 (1) is amended by:

(a) striking out the words, brackets, and numbers “sixty (60)” after the word “within” and before the word “calendar”; and

(b) adding the words, brackets, and numbers “ninety (90)” after the word “within” and before the word “calendar”.

2. Subsection 17(2) is amended by:

(a) striking out the words, brackets, and numbers “sixty (60)” after the word “within” and before the word “calendar”; and

(b) adding the words, brackets, and numbers “ninety (90)” after the word “within” and before the word “calendar”.

Done and passed by Council this ____ day of , 202

MAYOR

MUNICIPAL CLERK