



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

**Item No. Info Item 2**  
**Executive Standing Committee**  
**May 30, 2022**

**TO:** Mayor Savage and Members of the Executive Standing Committee

Original Signed

**SUBMITTED BY:**

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Jacques Dubé, Chief Administrative Officer

**DATE:** April 25, 2022

**SUBJECT:** Review of Administrative Order 2019-001-GOV, Respecting Elections

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### **INFORMATION REPORT**

#### **ORIGIN**

February 25, 2020 motion of Halifax Regional Council:

That Halifax Regional Council:

1. Adopt Administrative Order 2019-001-GOV, the Elections Administrative Order, as set out in Attachment 2 of the staff report dated February 2, 2020; and
2. Direct the Chief Administrative Officer to conduct a review of the administrative order after the next regular election and return to the Executive Standing Committee with their findings

#### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, subsection 59(3), as follows:

59. (3) In addition to matters specified in this Act, or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality.

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

8. 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**

On February 25, 2020 Halifax Regional Council adopted Administrative Order 2019-001-GOV, the *Elections Administrative Order (Elections Administrative Order)*, as recommended by Executive Standing Committee. The *Elections Administrative Order* governs the use of corporate resources during an election. It was developed as part of staff's review of campaign practices before the last election. It was brought forward to complement By-law C1100, *Campaign Financing By-law*, and is an additional step in accountability.

The purpose of the *Elections Administrative Order* is to provide a consistent approach for all candidates to have the same access to Halifax Regional Municipality resources during an election campaign. It establishes requirements and prohibitions related to the use of municipal resources by Members of Regional Council who are candidates during an election while acknowledging that Members of Regional Council will continue to represent their constituents during that election. Examples include restrictions on the use of corporate funds, Halifax Regional Municipality owned technology, campaign activities at Halifax Regional Municipality owned facilities or Halifax Regional Municipality events, and corporate communication materials/services.

The *Elections Administrative Order* is in line with the *Halifax Regional Municipality Code of Conduct for Municipal Employees*, specifically clause 10(1)(f) and subsection 10(2) regarding employees supporting election campaigns, as follows:

10. (1) During the course of their employment, an employee will not:
  - (f) perform work, either volunteer or paid, on behalf of any political organization and/or political candidate during their hours of employment with the Municipality.
- (2) Political involvement by an employee in municipal, provincial or federal levels of government is permitted, except as noted in sections 17B and 17C and clause 18(1)(d) of the Municipal Elections Act [requiring an employee to be on a leave of absence if they run for Council], providing that the employee makes it clear that they are acting as private citizens and not as representatives of the Municipality

For further information, please refer to the *Elections Administrative Order* included as Attachment One of this report.

## **DISCUSSION**

On February 25, 2020, Council approved the *Elections Administrative Order*. In addition to this, Council also directed the Chief Administrative Officer to conduct a review of the Administrative Order after the 2020 regular election and return to Executive Standing Committee.

From the period August 27 to September 8, 2020, 89 individuals filed their nomination and Official Agent forms with the Returning Officer for the 2020 Municipal Election to run for Mayor, district Councillor, or member of the Conseil scolaire acadien provincial (CSAP).

The breakdown of the 89 Candidates were:

- Mayor – Three Candidates
- Councillor – Eighty-Three Candidates
- CSAP – Three Candidates

All candidates were provided information packages that included campaign financing information and the *Elections Administrative Order*.

In its review of the 2020 Municipal Election, staff did not identify irregularities respecting the use of corporate resources by Members of Regional Council who were Candidates during the election. As well, staff did not receive complaints from the public respecting the potential misuse of corporate assets by Members of Regional Council during the 2020 Municipal Election. As such, staff are not recommending any amendments to the *Elections Administrative Order* in advance of the 2024 Halifax Regional Municipality and CSAP election. The Elections Office will continue to monitor the use of municipal resources throughout the nomination period for the next regular election and, if concerns are identified, will address these concerns during the election and report on any issues to Executive Standing Committee after the 2024 Municipal Election has concluded.

### **FINANCIAL IMPLICATIONS**

No financial implications.

### **COMMUNITY ENGAGEMENT**

No community engagement was required.

### **ATTACHMENTS**

1. Administrative Order 2019-00-GOV, Respecting Elections

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Liam MacSween, Elections and Special Projects Manager, Office of the Municipal Clerk, 902.233.5207

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**ADMINISTRATIVE ORDER NUMBER 2019-001-GOV  
RESPECTING ELECTIONS**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

**WHEREAS** By-law C-100, the *Campaign Financing By-law* prohibits a corporation, such as the Municipality, from making a contribution towards an election for the Mayor or a Councillor;

**AND WHEREAS** under section 9 of the *Code of Conduct for Elected Officials* all Members of Council are prohibited from disclosing or releasing to the public any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Municipality to do so;

**AND WHEREAS** under section 9 of the *Code of Conduct for Elected Officials* all Members of Council are prohibited from using confidential information for personal or private gain, or for the gain of relatives or any person or corporation;

**AND WHEREAS** under section 11 of the *Code of Conduct for Elected Officials* all Members of Council are prohibited from using Municipal Assets for personal convenience or profit, except where such privileges are granted to the general public;

**Short Title**

1. This Administrative Order may be cited as the *Elections Administrative Order*.

**Interpretation**

2. In this Administrative Order,

(a) “**Act**” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;

(b) “**Candidate**” means a Member of Council who is a Candidate in an Election pursuant to the:

(i) clause 2(b) of the *Act*,

(ii) clause 2(c) and section 203 of the *Elections Act*, 2011, S.N.S. c. 5, s. 2(c), as amended,

(iii) subsection 2(1) of the *Canada Elections Act*, S.C., c. 9. S. 2(1), as amended, or

(iv) subsection 3(2) of the *Act* and section 13 of the *Education (CSAP) Act*, 1995-1996 S.N.S., c. 10, as amended;

(c) “**Campaign Financing By-law**” means By-law C-1100 Respecting Campaign Financing adopted by Council on October 30, 2018, as amended;

(d) **“Code of Conduct for Elected Officials”** means Administrative Order 52, the *Code of Conduct for Elected Officials*, adopted by Council on July 23, 2013, as amended from time to time;

(e) **“District Funds Administrative Order”** means Administrative Order 2017-009-ADM, Respecting District Funds, adopted by Council on October 8, 2019, as amended from time to time;

(f) **“Election”** means an election held pursuant to the *Act*, the *Canada Election Act*, the *Elections Act*, and the *Education (CSAP) Act*,

(g) **“Member”** means a Member of Council, including the Mayor;

(h) **“Municipal Asset”** means vehicles, equipment, materials, or property owned, in whole or in part, by the Municipality; and

(i) **“Municipality”** means the Halifax Regional Municipality.

### **Application**

3. Expenditures of district funds by a Councillor who a Candidate in an Election is regulated by the *District Funds Administrative Order*.

4. Campaign contributions and permitted expenditures in municipal elections is regulated by the *Campaign Financing By-law* and the *Municipal Elections Act*.

5. (1) Use of a Municipal Asset by Members is regulated by the *Code of Conduct for Elected Officials*.

(2) Part I of this Administrative Order provides additional regulations respecting the use of Municipal Assets by Members who are Candidates in an Election.

6. Nothing in this Administrative Order prohibits a Candidate from addressing the needs of the residents in the course of their duties.

## **PART I USE OF MUNICIPAL ASSETS DURING AN ELECTION**

### **Application**

7. This Part provides additional regulation to those under section 11 of the *Code of Conduct for Elected Officials*.

8. The use of Municipal Assets by Members who are Candidates during an Election for personal convenience or profit is prohibited, unless such use is granted to the general public.

## Use Municipal Assets for Election Purposes

9. The following are examples of situations where a Municipal Asset is being used for personal convenience or profit by a Candidate in contravention of this Part,

- (a) expending municipal funds on campaign items, including:
  - (i) campaign advertising, production of campaign materials, or promotional items for a campaign, or
  - (ii) on or after nomination day, expenditures on communications which contain the names or photographs of the Candidate;
- (b) using equipment, technology, websites, social media accounts, or services owned, licensed, or provided by the Municipality, including:
  - (i) using printers, scanners, or electronic devices such as computers, cell or smart phones or tablet,
  - (ii) using electronic services, such as electronic mail, internet, voicemail system, or file storage,
  - (iii) using an address book or contact list, municipal databases not accessible by the general public,
  - (iv) using the print shop, mail room, supply rooms, or office space,
  - (v) locating campaign material or links to sites that feature campaign materials on websites or social media accounts of the Municipality,
  - (vi) using the Coat of Arms, official flag, the shield, the badge, or the brand that is identified in Administrative Order 19, the *Corporate Coat of Arms and HALIFAX brand Administrative Order*,
  - (vii) after becoming a Candidate, retaining links to the Candidate's social media accounts or to personal external websites on websites or social media accounts of the Municipality, or
  - (viii) after becoming a Candidate, changing the biography of the Candidate on websites or social media accounts of the Municipality;
- (c) distributing:
  - (i) campaign materials during an event hosted by the Municipality,
  - (i) promotional materials of the Municipality as part of a campaign, or

(iii) outreach materials of the Candidate, such as newsletters or emails, as campaign materials;

(d) campaigning at events hosted by the Municipality; and

(e) using facilities of the Municipality for campaigning, except where such use is granted to the general public and on the same terms and conditions as the general public.

**10.** When a Candidate receives an election related communication through the voicemail system or computer network purchased, owned or licensed by the Municipality, such as an email or phone call, the Candidate shall provide the individual with the appropriate contact information for their campaign.

Done and passed in Council this 25<sup>th</sup> day of February, 2020.

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Mayor

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Acting Municipal Clerk

I, Sherryl Murphy, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on February 25, 2020.

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Sherryl Murphy, Acting Municipal Clerk

Notice of Motion:  
Approval:

February 11, 2020  
February 25, 2020