

**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 25th day of February, 2020.

Mayor

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.

Sherryl Murphy, Acting Municipal Clerk

Notice of Motion:
Approval:

February 11, 2020
February 25, 2020