

# HALIFAX

P.O. Box 1749  
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## Item No. 15.1.1

Halifax Regional Council

June 18, 2019

July 16, 2019

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed by



**SUBMITTED BY:**

Jacques Dubé, Chief Administrative Officer

**DATE:** May 8, 2019

**SUBJECT:** Amendments to By-law C-1100, respecting Campaign Financing

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### ORIGIN

Regional Council made a request on October 2, 2018, for a supplementary staff report to respond to outstanding questions regarding municipal election campaign finances, as follows:

THAT Halifax Regional Council request a supplementary staff report to address:

1. Potential housekeeping amendments submitted by the public;
2. Limits being put on fundraising following election day;
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.

### LEGISLATIVE AUTHORITY

*Municipal Elections Act, R.S.N.S., 1989, c.300, (MEA) sections 49A and 49B pertaining to Campaign Finances.*

*Halifax Regional Municipality Charter, Section 60A as follows:*

That 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 councilor 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. 2016, c. 9, s. 1.

By-Law C-1100, the *Campaign Financing By-law*, provides definitions and parameters around campaign financing consistent with the *Municipal Elections Act* and Halifax Regional Municipality Charter.

### RECOMMENDATION

It is recommended that Halifax Regional Council adopt By-law C-1101, amending By-law C-1100, the *Campaign Financing By-law*, as set out in Attachment A to this report.

## **BACKGROUND**

By-law C-1100, respecting campaign finances, was brought to Halifax Regional Council by way of a Committee of the Whole meeting, for first reading on October 2, 2018. At the Committee of the Whole meeting, members of Regional Council had additional questions with respect to campaign finance and requested a report to address the following concerns:

1. Potential housekeeping amendments from public submissions
2. Value for signs from previous elections
3. Limits on contributions past Election Day
4. Tax receipts for Campaign Surpluses that are Donated to Charity
5. Contributions refunded in the case of acclamation
6. Travel expenses separate from total expenditure limit

The By-law received second reading on October 30, 2018 and came into effect as of November 24, 2018. The discussion section has been organized to respond to each question contained in the staff report request made on October 2, 2018.

## **DISCUSSION**

In review of the request made by Regional Council staff worked with a cross functional team, consisting of staff from the Municipal Clerk's Office, Revenue Services and Legal Services. An additional jurisdictional scan was completed, which focused on the items requested in the report request. At this time staff are proposing minor housekeeping amendments, aimed at providing clarification. After the 2020 Municipal Election, staff will conduct a full review of By-law C-1100, and at that time more substantive amendments may be proposed.

### **Jurisdictional Scan**

Additional benchmarking took into consideration municipalities and cities of comparable size (population, number of council members, and geographic). In some cases, this included provincial legislation, and municipal by-laws, and policies. The following jurisdictions were featured in the scan; Alberta, British Columbia, Ontario, St. John's, Saskatoon, and Winnipeg.

Upon review, there were no examples where legislation addressed placing limitations on accepting campaign contributions past election day, nor language which prohibited candidates from donating their campaign surplus to a charity and accepting a charity receipt. The review was successful in yielding information on how signs from a previous election can be accounted if brought forward and used in a future election.

### **1. Public Submissions**

The following housekeeping amendments stem from the public consultation and public submissions received during the by-law approval process. When the report to Executive Standing Committee was available to the public, an email was issued to all registered Shape Your City Halifax users, providing an update, a link to the report and that public submissions could be received by way of correspondence or in person at the Executive Standing Committee meeting on September 20, 2018.

At the Executive Standing Committee meeting, two public presentations and several pieces of correspondence were received. At the Committee of the Whole meeting of October 2, 2018, through the request for a staff report, all public submissions received were referred to staff for further review. Based on the submissions staff are proposing amendments to provide greater clarity, which include several administrative/typographical amendments.

Administrative Amendments

**In-kind Contributions:** By-law C-1100 addresses contributions of various kinds. In past elections, staff have interpreted that the MEA definition of contribution, entails that in-kind contributions must be reported at market value. The submissions received suggested that an in-kind definition may add clarity, for candidates and individuals who may wish to donate professional services to a campaign. Staff agree, noting that during past elections there have been enquiries from candidates on how in-kind expenses are to be assigned a value, and recorded.

**“In kind Contribution”** means a non-monetary contribution in the form of services or other property.”

In addition, a category for the form will be added for “In-Kind Contribution” where candidates can report in-kind contributions. These contributions shall be assigned a value reflective of the price for which services or other property may be sold, and are recorded as an expense as if the contributor donated money which the campaign then spent on the property or services. MEA section 49A, (8A) requires contributions of more than \$50 be disclosed, therefore only in-kind contributions over \$50 will be required as part of this By-law. Currently clause 18 (1)(g) indicates that in-kind items must be described in the statement, however having a category and definition will afford greater clarity.

**Recording dates for when Campaign Contributions are Received:** Past election campaign finance reporting did not require an agent to record the date of when a contribution was received. Based on the public submissions, to enhance transparency, it was suggested to require recording when a contribution was received. Staff have reviewed the suggestion, and agree to recommend this to Council as it may enhance transparency and provide further data on contribution patterns.

**Affirming an Oath for Statement of Campaign Contributions and Expenditures:** Several prescribed forms of the MEA require an attestation by a candidate or agent, such as Form 11, the Nomination Paper, and Form 12, Affidavit Removal of Advertising Materials and Return of Lists of Electors. Requiring an attestation before the Returning Officer or an Assistant Returning Officer is inline with other forms submitted by the candidate throughout the electoral process. This change would not require a by-law amendment as subsection 18(2) already requires the person filing the Statement of Campaign Contributions and Expenditures to attest to the accuracy and truthfulness of the contents of it. Staff will amend the form to make affirming an oath a requirement.

Typographical amendments:

Feedback from members of the public recommended several administrative and typographical amendments for clarity. These are outlined in Attachment B which shows the proposed amendments to By-law C-1100. Staff are proposing that the two interpretations (definitions) Final List of Electors, and Registered Elector be deleted as these terms were connected to the maximum contribution formula, which was removed by Regional Council and are no longer necessary. In addition, further clarification has been included in office supplies expense category to reflect that technology, software and databases may be used in future elections. The remainder of housekeeping amendments do not change the intent of the By-law, and are recommended as they provide clarity.

**2. Value for Signs from Previous Elections**

The jurisdictional scan yielded by-laws and/or policies addressing the re-use of materials from previous elections and considered them a non-monetary contribution to the current election.

It is recommended that By-law C-1100, be amended to include an interpretation that references materials brought forward from previous elections. Staff are proposing that items or property brought forward from previous elections, such as signs or office supplies, must be recorded as an expense. These items must be assigned the replacement cost for the property, as to what it would cost a candidate if purchased during the current election. Note, the storage of signs or related materials for use in a future election are personal costs and not deemed a campaign expense.

If approved, the forms will be amended to accommodate materials brought forward from previous elections. This amendment will create a consistent approach to recording materials used from past campaigns. In addition, this will afford for greater equity between returning candidates and new candidates.

### **3. Limits on Contributions Past Election Day**

Many jurisdictions across Canada have established periods for when candidates can collect contributions. Based on the jurisdictional scan there was no precedent found that supported putting a limitation on receiving contributions past Election Day. Staff can confirm that the By-law C-1100 is consistent with practices in other jurisdictions as it establishes a time limit for accepting contributions, but puts no limit on what can be accepted after Election Day. Staff do not recommend amending the By-law to include limits on post-election day fundraising or contributions. The 30-day after ordinary polling day deadline on contributions is a new standard and will be enforced for any future electoral event. After the next general election (2020) the By-law will be reviewed, and this matter can be revisited at that time.

### **4. Tax Receipts for Campaign Surpluses that are Donated to Charity**

No precedent regarding tax receipts for candidates was found with the jurisdictional scan. Clause 19(1)(b) of By-law C-1100 states that campaign surplus can be donated to a non-profit organization, which is defined in clause 2(n). It is important to note that not all non-profit organizations are registered charities who can issue tax receipts. There may be situations where candidates donate a surplus to a local non-profit, and therefore would not be eligible to receive a tax receipt. In consultation with HRM Revenue Services, the following options were provided to address this question:

- a) Have candidates sign an affidavit, affirming that they will not seek a tax receipt if their campaign surplus is donated to a charity.
- b) Have candidates remit surplus contributions to HRM and direct that the Municipality donate the funds to a charity of the candidate's choice, which will ensure that a tax receipt is not provided to the candidate.

At this time, staff are recommending that no amendment be made to the By-law, as the options noted above may add an element of risk to both the candidate and the Municipality. Having candidates sign an affidavit may not guarantee that a tax receipt will not be used by the candidate. Further, if the Municipality were to make the donation, there may also be risks associated with the charity or non-profit of choice not being one that the Municipality could philosophically support.

In general, donations made to non-profit and charitable organizations involve a one-to-one relationship between the organization and donor. The donor may choose to disclose to the receiving organization that they collected the contributions for a political campaign before making the donation and it would be up to that organization to determine whether it would issue a tax receipt. It is also important to note that organizations are required to follow tax laws and internal policies that may obligate them to issue a tax receipt for their own purposes. In this case, it would be up to the donor (candidate) to decide if they make use of the receipt, as there is no requirement on the donor to use the receipt for income tax purposes once they have received it.

### **5. Contributions Refunded in the Case of Acclamation**

No procedures or requirements for refunding contributions in the event of an acclamation were found during the jurisdictional scan. It can be concluded that to refund contributions, after an acclamation remains a personal decision. Through the By-law and provisions of the MEA, as contributions are collected, the names and addresses of contributors must be recorded. Should a candidate be acclaimed, all contributions collected could be refunded, if the candidate chooses to do so.

Consideration must be given that candidates may have spent some contributions on campaign expenses before they have been acclaimed. This may further complicate a blanket policy regarding refunds in the case of an acclamation. As no other precedents were found, and considering past electoral administrative experiences, staff do not recommend amending the By-law to provide instruction in the case of an

acclamation. Should a candidate be acclaimed, and have a surplus of funds, there are provisions contained in the By-law, on how a surplus can be dealt with.

#### **6. Travel Expenses Separate from the Total Expenditure Limit**

As demonstrated through the jurisdictional scan of campaign finance practices, there are two approaches to setting campaign expenditure limits, using a formula, or setting a dollar amount. In 2018, staff proposed a formula to address the variance in population and district size across HRM, by determining spending limits which included a base rate, plus calculation per elector and square kilometre. Recognizing the challenges that are faced by larger districts staff included the square kilometres as a variable to calculate a contribution limit. In the approved version of By-law C-1100, a set dollar amount was chosen for the campaign spending limits. In By-law C-1100 campaign expenditure limits of \$30,000 per councillor candidate, and \$300,000 per mayoral candidate were approved.

Staff do not recommend amending the By-law to separate travel expenses from the total campaign expenditure maximum. With the decision to apply a base amount for the maximum, the current By-law views travel related expenses, within the category transportation (clause 14(j)) the same as any other campaign expense. It is recommended that this could be revisited in the post 2020 review. The data collected during 2020 will allow for a better understanding of campaign finances, as it may be the first election where campaign expense data is collected.

#### **Next Steps**

Should Regional Council approve the amendments to the By-law staff will begin to produce materials specifically about By-law C-1100 as amended to ensure new and returning candidates are aware of the rules and procedures. The public education campaign on election financing has been delayed, knowing that there may be amendments made by way of this report request. Any materials produced to support By-law C-1100 will be to complement existing candidate materials. It is also important for voters to be aware of the new By-law as potential contributors to campaigns during an election.

In addition to the production of materials for candidates, in Fall 2019 staff will be holding candidate information session specifically for marginalized and underrepresented populations. These sessions will cover a wide array of information for candidates, including campaign finance.

As part of the preparations for the 2020 municipal election, staff will be developing communications plans and materials for candidates and voters. Should there be an election prior to the general election in 2020, similar efforts will be made to ensure that this By-law, and any amendments are communicated effectively.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications for the Municipality with the amendments to By-Law C-1100.

#### **RISK CONSIDERATION**

The original Report (Attachment C) identified no significant risks. No additional or new significant risks have emerged.

#### **COMMUNITY ENGAGEMENT**

A robust community engagement process was conducted during the preparation of By-law C1100. In September 2018 an email sent to all registered Shape Your City Halifax participants was issued notifying that the report was public, and when and how submissions could be received.

The decision was made to have the draft by-law return to Executive Standing Committee, as the request for Campaign Finance originated at that committee, and it would afford members of the public an opportunity to make public submission through public participation. Input received by Council in the form

of in person public participation and correspondence have influenced the majority of administrative amendments contained in this report. Staff have done a review and are in agreement with the amendments brought forward as they provide additional clarification.

### **ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

### **ALTERNATIVES**

1. Council could decide to approve a portion of the recommended amendments or to not make any changes at this time.

At a minimum, staff recommends the housekeeping/typographical amendments be adopted. If Council decides to pass only the housekeeping/typographical amendments, Council could pass the following motion:

That Halifax Regional Council adopt By-law C-1101, amending By-law C-1100, the *Campaign Financing By-law*, as set out in Attachment A to this report, with the following amendments

Clauses 1(b) and 3(b), (c),(d), and (e) and sections 4, and 5 are deleted.

2. Council could request additional information or further amendments to staff through a motion for an additional report.

### **ATTACHMENTS**

Attachment A – By-law C-1101 (Amending By-law)

Attachment B – By-law C-1100 (Showing Proposed Changes to By-law)

Attachment C – Campaign Finance Accountability Report – October 2, 2018 Committee of the Whole

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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: Kevin Arjoon, Municipal Clerk 902.490.6456

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**HALIFAX REGIONAL MUNICIPALITY  
BYLAW C-1101  
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. Section 2 is amended by:
  - (a) repealing clauses k and q; and
  - (b) adding clauses ja after clause j and before the newly repealed clause k as follows:
    - (ja) **“In-kind Contribution”** means a non-monetary Contribution in the form of services or other property;
2. Subsection 10(3) is amended by adding the words “per Election” after the number, brackets and symbol “(\$15,000)” and before the period at the end of the subsection.
3. Section 14 is amended by:
  - (a) adding the words and comma “software, computer programs and any other thing on which information is created, recorded or stored by electronic or other means,” after the word and comma “supplies,” and before the word “and”;
  - (b) striking out the word “and” at the end of clause i;
  - (c) striking out the period at the end of clause j;
  - (d) adding the word and semi-colon “; and” at the end of clause j; and
  - (e) adding a new clause k after clause j and before section 15 as follows:
    - (k) In-kind Contributions.
4. Subsection 18(1) is amended by:
  - (a) adding the words comma and words “, and the date the Contribution was received by the Candidate or Agent” after the word “Individual” and before the semi-colon at the end of the clause d;
  - (b) striking out the words “non-monetary Contributions or Contributions made in kind” after the word “any” and before the word “and” in clause g;
  - (c) adding the words “In-kind Contribution” after the word “any” and before the word “and” in clause g;
  - (d) striking out the period at the end of clause i;
  - (e) adding a semi-colon and the word “; and” at the end of clause i; and
  - (f) adding clause j after clause i and before subsection 2 as follows:
    - (j) any personal property brought forward from previous Elections, such as signs and office supplies.

5. Subsections 18(1A) and (1B) are added after subsection 18(1) and before subsection 18(2), as follows:

(1A) The value for In-kind Contributions is the price for which services or other property may be sold.

(1B) For the purposes of 18(1)(j), any personal property brought forward from a previous Election shall be assigned a dollar amount equal to the cost of buying the personal property at the time of the current Election.

6. The second subsection 18(2) starting with "Upon filing" is renumbered to subsection 3 of section 18.

7. Subsection 20(1) is amended by adding the words "Returning Officer's" after the word "the" and before the word "request".

Done and passed by Council this \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on \_\_\_\_\_, 2019

\_\_\_\_\_  
Kevin Arjoon  
Municipal Clerk



**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER C-1100  
RESPECTING CAMPAIGN FINANCING**

**WHEREAS**, section 60A of the *Halifax Regional Municipality Charter*, S.N.S. 2008, c.39 as amended, provides that Council may make by-laws 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;

**AND WHEREAS** Council desires to create additional rules respecting the raising of money for municipal elections and the setting of limits on the amount of money that may be expended by each Candidate;

**AND WHEREAS** Halifax Regional Municipal Council endeavours to increase accountability and transparency by requiring additional disclosure respecting campaign expenses, contribution and surpluses;

**BE IT ENACTED** by the Council of the Halifax Regional Municipality under the authority of section 60A of the *Halifax Regional Municipality Charter* as amended, as follows:

**Short Title**

1. This By-law may be cited as By-law C-1100, the *Campaign Financing By-law*.

**Interpretation**

2. In this By-law,
  - (a) “**Act**” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
  - (b) “**Agent**” means the official agent of a Candidate and includes the Candidate if the Candidate is acting as official agent and, in the case of an Association, means the person appointed by the Association to act as agent;
  - (c) “**Association**” means an association of one or more people established to, a trust established for or a fund established to further the election of a Candidate, including a provincially or federal registered political party;
  - (d) “**Candidate**” means a Candidate pursuant to the *Act* and includes an Association;
  - (e) “**Clerk**” means the Clerk of the Municipality;
  - (f) “**Corporation**” includes an organization registered in the Nova Scotia Registry of Joint Stocks, a Non-Profit Organization, crown corporation, or a service commission;
  - (g) “**Contribution**” means services, money or other property donated to an Association or a person to support the political purposes of an Association or Candidate, but does not include personal services or the use of a vehicle volunteered by a person and not provided as part of that person's work in the service of an employer;

- (h) **“Contribution Period”** means the period of time
- (i) for a general Election, commencing, on March 1<sup>st</sup> of an Election year and terminating thirty (30) calendar days after ordinary polling day, and
  - (ii) for a special Election, commencing the day immediately after the Council or Minister has named the day of a special election and terminating thirty (30) calendar days after the ordinary polling day;
- (i) **“Election”** means an election held pursuant to the *Act* for the office of the Mayor or a Councillor, including a special election for the office of the Mayor or a Councillor;
- (j) **“Filing”** means
- (i) the appointment of an official agent or a declaration that the Candidate will personally act as the official agent pursuant to section 70 of the *Act*, or
  - (ii) the appointment of an Agent by an Association pursuant to 49A(2) of the *Act*,
- (ja) **“In-kind Contribution”** means a non-monetary Contribution in the form of services or other property;
- (k) **“Final List of Electors”** means the final list of electors prepared pursuant to section 115 of the *Act*, Repeal;
- (l) **“Individual”** means a person, excluding
- (i) a Spouse,
  - (ii) a Corporation,
  - (iii) a Partnership,
  - (iv) an Association,
  - (v) a Non-Profit Organization, and
  - (vi) a Trade Union;
- (m) **“Municipality”** means the Halifax Regional Municipality;
- (n) **“Non-Profit Organization”** means
- (i) a society incorporated pursuant to the *Societies Act*, R.S.N.S 1989 c.435, as amended,
  - (ii) a non-profit association incorporated pursuant to the *Co-Operative Associations Act*, R.S.N.S c.98, as amended,
  - (iii) a not-for-profit incorporated pursuant to the *Canada Not-for-profit Corporations Act*, S.C 2009, c.23,
  - (iv) a non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature, or

(v) a registered Canadian charitable organization;

(o) “**Partnership**” means a partnership registered under the *Partnerships and Business Names Registration Act* or a partnership doing business in the Province;

(p) “**Permitted Expenditure**” means those expenditures listed in Section 15 made by a Candidate or an Agent during the Contribution Period in furtherance of the Candidate’s campaign;

(q) “**Registered Elector**” means an elector whose name appears on a Final List of Electors  
Repeal;

(q) “**Returning Officer**” means a Returning Officer appointed pursuant to the Act;

(r) “**Spouse**” means a person married to another person and includes persons who, not being married to each other, live together as if they are spouses and have done so for at least one year; and

(s) “**Trade Union**” means a certified bargaining agent as defined in the *Trade Union Act* or a labour organization representing workers in the Province.

#### **Application of the By-law**

3. (1) This By-law shall apply to an Election.

(2) For the purposes of this By-law, a Candidate is any person who was a Candidate at any time during the Contribution Period, whether or not they are nominated as a Candidate.

#### **Contributions to Agent**

4. A Contribution shall only be made to an Agent.

5. No person shall make a Contribution to an Agent except an Individual, a Candidate, or a Candidate’s Spouse.

6. A person, including a Corporation, Trade Union, Partnership or Non-Profit Organization who makes a Contribution in contravention of section 5 is guilty of an offence.

7. An Agent who accepts a Contribution from a person other than an Individual, a Candidate or a Candidate’s Spouse is guilty of an offence.

8. Candidate information and Agent information contained in the Filing shall be made public by the Municipality by posting such information to the Municipality’s website.

#### **Anonymous Contributions**

9. (1) An Agent shall not accept an anonymous Contribution.

(2) If an anonymous Contribution cannot be returned to the contributor, it shall be remitted to the Treasurer of the Municipality, or the Treasurer’s designate.

(3) The Treasurer of the Municipality, or the Treasurer’s designate, shall donate the anonymous Contribution to a Non-Profit Organization of the Candidate’s choice.

### **Contribution Limits**

10. (1) An Individual may make a Contribution to a maximum amount of:
  - (a) One thousand dollars (\$1,000) per Councillor Candidate per Election; and
  - (b) Two thousand five hundred dollars (\$2,500) per Mayoral Candidate per Election.
- (2) The total amount of Contributions an Individual may make, per Election, shall not exceed five thousand dollars (\$5000).
- (3) The combined total amount a Candidate and a Candidate's Spouse may contribute to the Candidate's campaign shall not exceed fifteen thousand dollars (\$15,000) **per Election**.

### **Dates to Receive Contributions**

11. An Agent shall only accept a Contribution if:
  - (a) the Filing has been received by the Municipality; and
  - (b) the Contribution is made during the Contribution Period.

### **Maximum Spending Limits**

12. (1) A Candidate in an Election, shall spend no more than:
  - (a) thirty thousand dollars (\$30,000) per Councillor Candidate; and
  - (b) three hundred thousand dollars (\$300,000) per Mayoral Candidate.
- (2) A Candidate who spends more than the amount set by this section is guilty of an offence.

### **Permitted Expenditures**

13. (1) Only a Candidate or an Agent shall expend Contributions.
  - (2) A Candidate or an Agent shall only expend Contributions:
    - (a) on Permitted Expenditures; and
    - (b) during the Contribution Period.
14. The following are the only Permitted Expenditures for which a Candidate or an Agent may expend Contributions:
- (a) the nomination deposit;
  - (b) advertising and printing costs, including costs associated with online advertising;
  - (c) office and facility rental costs;
  - (d) office administrative costs, including office supplies, **software, computer programs and any other thing on which information is created, recorded or stored by electronic or other means,** and equipment costs such as telephones and other utilities;

- (e) insurance costs;
- (f) remuneration or salaries;
- (g) the costs of printed electoral materials, including maps, list of electors, signs, sign posts, sign holders, and distribution costs such as postage and couriers;
- (h) storage costs for electoral materials;
- (i) food, beverage, and entertainment costs; and
- (j) transportation costs; and
- (k) In-kind Contributions.

#### **Returning Officer**

15. (1) The Returning Officer for the Election shall create

- (a) a Statement of Campaign Contributions and Expenditures; and
- (b) a Statement of Campaign Surplus.

(2) The Returning Officer for the election shall provide each Candidate with a copy of the statements set forth in subsection 15(1).

#### **Reporting**

16. A Candidate shall use the statements provided by the Returning Officer in subsection 15(1) to make the Candidate's disclosures as required by this By-law.

#### **Disclosure Requirements**

17. (1) In addition to any disclosure requirements set forth in the *Act*, within sixty (60) calendar days after the ordinary polling day in an Election, every Candidate who submitted a Filing shall file with the Clerk:

- (a) a Statement of Campaign Contributions and Expenditures; and
- (b) a Statement of Campaign Surplus.

(2) A Candidate who:

(a) fails to file a Statement of Campaign Contributions and Expenditures and a Statement of Campaign Surplus within sixty (60) calendar days after the ordinary polling day; or

(b) files a false Statement of Campaign Contributions and Expenditures, or a false Statement of Campaign Surplus,

is guilty of an offence.

### Statement of Campaign Contributions and Expenditures

18. (1) A Statement of Campaign Contributions and Expenditures shall include:

- (a) the name of the Candidate;
- (b) the Contribution Period;
- (c) the total dollar amount of Contributions that were received for the Election;
- (d) the full name and residential address, other than a post office box unless that is the only address available, of each Individual who made a Contribution exceeding fifty dollars (\$50), and the amount of the Contribution by that Individual, and the date the Contribution was received by the Candidate or Agent;
- (e) the total dollar amount of Contributions of less than fifty dollars (\$50);
- (f) the amount a Candidate and the Candidate's Spouse has contributed to the Candidate's campaign;
- (g) any ~~non-monetary Contributions or Contributions made in kind~~ In-kind Contributions and the details of such Contributions;
- (h) a list of the Permitted Expenditures, as set forth in section 14, to which the Candidate expended a Contribution and including the total dollar amounts for each expenditure; ~~and~~
- (i) any other revenue, including interest, or refund of nomination filing fees which the Candidate received; ~~and~~
- (j) any personal property brought forward from previous Elections, such as signs and office supplies.

(1A) The value for In-kind Contributions is the price for which services or other property may be sold.

(1B) For the purposes of 18(1)(j), any personal property brought forward from a previous Election shall be assigned a dollar amount equal to the cost of buying the personal property at the time of the current Election.

(2) The person filing the Statement of Campaign Contributions and Expenditures shall attest to the accuracy and truthfulness of the contents of the Statement of Campaign Contributions.

(2-3) Upon filing the Statement of Campaign Contributions and Expenditures, the Clerk or the Clerk's designate, shall post a redacted Statement of Campaign Contributions and Expenditures to the Municipality's website.

### Statement of Campaign Surplus

19. (1) A Statement of Campaign Surplus shall set out:

- (a) the amount of any surplus, with surplus being the difference between the Candidate's total amount of Contributions accepted and the Candidate's total amount of spending during the Contribution Period;

- (b) the Candidate's choice to either:
  - (i) donate any surplus to a Non-Profit Organization, or
  - (ii) provide the surplus to the Municipality which shall hold the surplus in trust, without interest, on behalf of the Candidate for use by the Candidate in a future Election; and

(c) the Candidate's choice of Non-Profit Organization that will receive the surplus if the Candidate does not run in the next two Elections, other than special elections, per subsection 20(3).

(2) If a Candidate runs in a future Election, the surplus held in trust by the Municipality as per subclause 20(1)(b)(ii) shall be provided to the Candidate at the commencement of the Contribution Period for that Election and the surplus shall be included in the Candidate's Contribution limit for that Election.

(3) The surplus held in trust by the Municipality as per subclause 19(1)(b)(ii) for a Candidate who does not offer themselves as a Candidate for the next two Elections, other than special elections, shall be forfeited to the Municipality and the Municipality shall donate the surplus to:

(a) a Non-Profit Organization as indicated by the Candidate on the Statement of Campaign Surplus; or

(b) if the Non-Profit Organization has dissolved since the filing of the Statement of Campaign Surplus, to another Non-Profit Organization chosen by the Clerk.

(4) The Candidate shall attest to the accuracy and truthfulness of the contents of the Statement of Financial Surplus.

(5) Upon filing the Statement of Campaign Surplus, the Clerk or the Clerk's designate, shall post a redacted Statement of Campaign Surplus to the Municipality's website.

### **Additional Information**

20. (1) The Returning Officer may, at any time up to thirty (30) days after the deadline of receipt of a Candidate's Statement of Contributions and Expenditures or a Candidate's Statement of Campaign Surplus as set out in subsection 17(1), request additional information from a Candidate or an Agent and such Candidate or Agent shall provide responses to the Returning Officer no later than the time set forth in the **Returning Officer's** request for further information.

(2) A Candidate or an Agent who does not provide the Returning Officer the additional information requested in subsection 20(1) is guilty of an offence.

### **Transition**

21. The maximum spending limit permitted by section 12 shall apply to all expenditures for an Election, including those expenditures that occurred before this By-law comes into force and outside of the Contribution Period.

### **Offences**

22. Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable, upon summary conviction, to a penalty of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000) and in default of payment, to imprisonment for a term of not more than six (6) months.

Done and passed in Council this 30<sup>th</sup> day of October, 2018.

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Mayor

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Clerk

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on October 30, 2018.

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Kevin Arjoon, Municipal Clerk





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

**Item No. 4**  
**Committee of the Whole**  
**October 2, 2018**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Mayor Savage, Chair, and Members of the Executive Standing Committee

**DATE:** September 20, 2018

**SUBJECT:** HRM Election Campaign Financing By-law

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**ORIGIN**

Motion from the September 20, 2018 Executive Standing Committee Meeting.

**LEGISLATIVE AUTHORITY**

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

**General Governance of the Council**

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.

**RECOMMENDATION**

The Executive Standing Committee recommends that Halifax Regional Council:

1. Adopt By-law C-1100, the Campaign Financing By-law, as set out in 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.

### **BACKGROUND/DISCUSSION**

A report dated August 15, 2018 was before the Executive Standing Committee at the meeting held on September 20, 2018. Staff provided a brief presentation and members of the public were invited to speak to the matter for up to five minutes. After a discussion, the committee approved a motion to recommend that Halifax Regional Council adopt By-law C-1100, and suggested a Committee of the Whole meeting be held.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **RISK CONSIDERATION**

No risks identified.

### **COMMUNITY ENGAGEMENT**

The Executive Standing Committee is comprised of seven duly elected officials. Meetings are held in public unless otherwise indicated and the agenda and materials are posted to the HRM website. In addition, the Executive Standing Committee meeting is webcasted, and a meeting video is posted to the committee webpage after the meeting. For additional details regarding the community consultation process, please refer to the attached staff report dated August 15, 2018.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications identified.

### **ALTERNATIVES**

The Committee did not provide alternatives.

### **ATTACHMENTS**

Attachment 1: Staff report dated August 15, 2018

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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: Phoebe Rai, Legislative Assistant 902-490-6517

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

**Item No. 12.1.1**  
**Executive Standing Committee**  
**September 20, 2018**

**TO:** Chair and Members of the Executive Standing Committee

**SUBMITTED BY:** **ORIGINAL SIGNED**  
\_\_\_\_\_  
John Traves Q.C. Legal, Municipal Clerk & External Affairs

**ORIGINAL SIGNED**  
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** August 15, 2018

**SUBJECT:** **HRM Election Campaign Financing By-law**  
\_\_\_\_\_

**ORIGIN**

The following motion was passed by Regional Council on February 3, 2015.

Moved by Mayor Savage, Seconded by Councillor Craig:

That Halifax Regional Council request a staff report examining the legislative options and implications of campaign finance reform for municipal government in Halifax, as identified in the discussion section of the November 24, 2014 Executive Standing Committee report.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, Section 60A as follows:

60A 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. 2016, c. 9, s. 1.

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

**Recommendation on next page**

**General Governance of the Council**

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.

**RECOMMENDATION**

It is recommended that the Executive Standing Committee recommend that Halifax Regional Council:

1. Adopt By-law C-1100, the *Campaign Financing By-law*, as set out in Attachment A of this report;
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.

**BACKGROUND**

The *Municipal Elections Act*, R.S.N.S., 1989, c.300, (the “MEA”) sections 49A and 49B set the parameters on how municipal and school board election campaign finances are administered. The MEA applies to all municipalities of Nova Scotia and therefore provides broad provisions on how campaign finances are administered. On February 3, 2015 Regional Council, identified the need for greater rigor on how campaign finances are administered, and initiated a process to explore potential legislative options. The following is a chronology regarding municipal election campaign finance accountability:

- February 3, 2015, Regional Council requested a staff report to examine the legislative options and implications of campaign finance accountability.
- September 8, 2015 Regional Council requested that the Province amend the HRM Charter for the authority to enact a campaign finance by-law. The report provides background, and formed part of the information materials provided to the public during the consultation process.
- April 15, 2016, the Provincial Government introduced Bill No. 154 to amend the Charter to grant the Municipality the authority to enact a by-law regarding campaign finance.
- April 26, 2016, Regional Council, in anticipation of the passing of Bill No. 154, requested that staff initiate a process to consult the public on the issue of campaign financing, and to subsequently prepare a by-law.
- On May 20, 2016 Bill No. 154 received Royal Assent. (Does not include school board candidates).
- Municipal Election October 15, 2016.
- March 7, 2017 Regional Council approves a communications and engagement approach for the public consultation on campaign finance accountability.
- May – June 2017 consultation on campaign finance accountability is conducted. Featured in the Community Engagement section of this report.
- September 2017 results of the consultation compiled, and are provided to members of Regional Council and posted to the Shape Your City Halifax webpage.

The proposed by-law represents a first step in campaign finance accountability. Through the analysis of other jurisdictions’ by-laws, public consultation findings, and campaign contribution statements from previous municipal elections, a draft by-law has been developed. Should Regional Council approve the proposed by-law, staff have recommended that a review be conducted after the 2020 election, which may yield amendments. The concept of the use of corporate resources during an election, arose from the jurisdictional scan. Creating additional rules may help to clarify the role between the Municipality, (its resources), and members of Council seeking re-election. Therefore, a recommendation to initiate an administrative order to complement the proposed by-law has been put forward.

## **DISCUSSION**

The proposed by-law (Attachment A) has been prepared with the intention that it will establish a framework, and act in concert with the campaign finance provisions listed in sections 49A and 49B of the MEA. The existing campaign finance provisions in the MEA are basic, and therefore the proposed by-law is a first step towards greater accountability and transparency. The proposed by-law strives to balance best practices as well as the realities of HRM, and its municipal election campaigns. Staff are recommending proceeding with an iterative approach towards campaign finance provisions. The discussion section has been organized to mirror the focus areas used during the public consultation process.

### **Contributors and Contribution Amounts**

At present there are no restrictions on what entities (e.g., individuals, corporations, unions, or self-funders) may contribute to campaigns or how much may be contributed; however, anonymous and third-party contributions are restricted. Some jurisdictions restrict the ability of corporations or unions from providing contributions to municipal candidates. Based on feedback received during public consultations, and the jurisdictional scan, the proposed by-law prescribes that only individuals, candidates, or a spouse of a candidate may contribute to a campaign. Corporations, trade unions, associations, and partnerships are not permitted to make contributions to campaigns. It is anticipated that limiting contributions to individuals, may create balance amongst all candidates.

In determining contribution limits, staff reviewed the public consultation feedback, the jurisdictional scan, and previous Candidate Campaign Contributions Disclosure Statements (Form 40). The survey and consultation findings on the maximum contribution amounts, indicated support for a maximum contribution of \$1,000. In review of the jurisdictional scan, each had fixed vastly different amounts, resulting in no consensus on a set contribution limit.

Therefore, staff analyzed previous Form 40s filed in the 2012 and 2016 Municipal Elections, and are recommending the following contribution provisions:

- An Individual may only contribute \$2,500 per councillor and mayoral candidate with the Individual's total contributions during an election not exceeding \$7,500.
- A Candidate and their Spouse may contribute no more than \$10,000 combined to the Candidate's campaign.

### **Contribution Timelines**

Many jurisdictions have created an election contribution period, that permits contributions to be made within a specific time frame. Establishing a period for contributions to be collected may help level the playing field for all potential candidates. The public consultation feedback supported having a defined period and most jurisdictions provide several months to a year of time. As the MEA has established fixed election dates, the following timelines are recommended in the by-law:

- For a general Election, contributions may only be received beginning twelve (12) months prior to the ordinary polling day and terminating sixty (60) calendar days after ordinary polling day.
- For a special Election, contributions may only be received beginning the day immediately after Council has set the special election day and terminating sixty (60) calendar days after ordinary polling day.

## Maximum Spending Limits

The proposed by-law establishes a formula to determine spending limits for all council positions. The survey findings suggested that councillor spending limits should be the same across all the districts, but this finding contradicted the best practices found in the jurisdictional analysis as they all used a formula system. The by-law provides for the following formula:

**\$10,000 plus \$1.00 per each person registered on the list of electors in the Candidate's district plus \$1.00 per each square kilometre rounded up to the nearest whole number in the Candidate's district.**  
Councillors (by district) Mayoral (total Municipality)

The Final List of Electors for the candidates' district in the previous election will be used to calculate limits at the beginning of contribution period, unless the Nova Scotia Utility and Review Board has changed the district boundaries, then their decision containing estimated elector counts, and finalized district boundaries shall be used. Should Council enact the proposed by-law, the spending limits as indicated in Attachment B will apply for the 2020 Municipal Election, and would be posted to the municipal website. The final numbers are then rounded up to the nearest 100<sup>th</sup> dollar.

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

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

## Disclosure, Reporting and Surpluses

Accountability and transparency were themes throughout the public consultation. It was indicated that these themes could be strengthened by increasing disclosure requirements within the election process. After reviewing the jurisdictional scan and current campaign finance provisions in the MEA, staff are proposing changes to augment disclosure.

Pursuant to Section 70 of the MEA, a candidate shall, on becoming a candidate, file with the Clerk an appointment of official agent or a declaration that the candidate will personally act as the official agent. At present there is no disclosure with respect to the appointment of an agent. Although candidates may publicly declare their intentions, there is no repository for the public to check before contributing. It is recommended that the appointment of agent forms filed with the Clerk be made public by posting a redacted copy to the municipal website. In addition, the candidate could provide contact information to the Election Office to receive updates in advance of the nomination period, and to populate a municipal web-listing with candidate contact information. It is anticipated that the web-listing would be populated when agent forms are filed, and updated after nominations close to confirm those who have officially filed nominations.

Building on the procedures in the MEA, the proposed by-law would require that every person who has filed the forms appointing an agent would also be required to file a Statement of Campaign Contributions & Expenditures and a Statement of Campaign Surplus with the Municipal Clerk's Office. These forms would be developed by the Returning Officer and made public in advance of the commencement of the contribution period. These forms will compliment the existing Form 40, Candidate's Campaign Disclosure Statement, which is required by the MEA. The form will define the candidate's contribution period (that will align with the filing of appointment of agent forms), what contributions have been received, when and how those contributions were spent and whether there was a surplus. An example of the new form is attached as Attachment C.

It is proposed that any surplus of campaign contributions that were not used during the contribution period on eligible expenses be donated to a non-profit organization or held "in trust" by the Municipality for the candidate's use during the next regular Election. The surplus amount and what is determined by the candidate in terms future disposal of the surplus shall also be made public by posting to the municipal website. If the candidate decides to donate their surplus contributions to a non-profit organization within

sixty (60) calendar days after the election, they may be entitled to receive a tax receipt from the non-profit organization for such donation.

If the candidate places their surplus contributions “in trust” and decides not to run for the next two regular elections, or requests to dispose of the surplus at any time during that period, the surplus shall be forfeited to the Municipality, and the Municipality shall direct the funds to a non-profit organization as set out in the candidate’s Statement of Campaign Surplus. The non-profit organization to which the funds are directed could be the Municipality if the candidate so chooses. The Municipality would then issue a confirmation to the candidate that the funds have been directed. A candidate’s ability to receive a tax receipt in this case would be dependent on specific advice provided by CRA and can be discussed with candidates at the time of the completion of their Statement of Campaign Surplus.

Included in the proposed by-law, Statements of Campaign Contributions & Expenditures and Statements of Campaign Surplus shall be made publicly available. This publication of forms is in accordance with the current practices under the MEA where campaign contribution forms (Form 40) are made available on the Municipality’s website with the contributors’ names and contribution amounts included. The only portion of this form that is redacted is the contributor’s address, which will be mirrored through the publication of the statements under this by-law.

### **Implementation and Transition Period**

Prior to this by-law coming into effect, it is possible that candidates for the next municipal election may have begun to collect contributions. The MEA does not outline a timeframe to collect contributions, which could result in a potential candidate filing the forms to appoint an Agent and beginning to collect contributions at any time.

The proposed by-law includes a transition section outlining that any candidates would need to cease collecting and expending funds once the by-law comes into effect. Candidates can resume collection or spending, when the contribution period begins for the next election, and the appropriate paperwork is filed with the Clerk. Any funds expended prior to the by-law coming into effect would need to be reported (with appropriate dates) on the Statement of Campaign Contributions & Expenditures and would count towards the overall spending limit for the 2020 election. Contribution limits by individuals will not be enforced before the by-law comes into effect.

### **Complaint Process**

As the Municipality would be introducing a by-law that complements existing provincial legislation, any contraventions would be initially reviewed by staff within Planning and Development by way of By-law Standards, and if required may be referred to Halifax Regional Police (HRP) for further investigation.

The proposed by-law establishes that complaints would be received by the Municipal Clerk’s Office within ninety (90) days of the deadline for Statement of Campaign Contributions and Expenditures. The complaint would then be reviewed by By-law Standards, and if necessary may be referred to HRP. Given the complex and high-profile nature of any such investigations, an impartial and thorough financial analysis may be entailed. Should legal action be required, staff will work with outside legal counsel to address any possible charges or fines and to address potential conflicts of interest.

Staff have reviewed various fine provisions in the MEA, and are recommending that contraventions to the proposed by-law, a penalty from five hundred dollars (\$500), and not more than ten thousand dollars (\$10,000) and in default of payment, to imprisonment for a term of not more than six (6) months.

### **Review Period**

The approach within the by-law is new to the Municipality and will provide a learning opportunity for staff and candidates during the next election. After the 2020 regular election, the Election Office will undertake

a review. If required, staff may provide recommendations and present potential amendments to Regional Council, by way of the Executive Standing Committee.

### **Use of Corporate Resources Policy**

The proposed by-law removes the ability for corporations to provide cash or “in kind” contributions to municipal candidates. To complement this approach, other jurisdictions have established policies outlining rules on using corporate or municipal resources for election campaign purposes. Specifically, municipalities would be in contravention of their own campaign financing by-law, if they permitted councillors who were running in an election to use municipal assets or resources for campaign purposes as those resources may be considered an “in kind” contribution by a corporation.

To address this issue, the Election Office developed a jurisdictional scan of policies on use of corporate resources by candidates during elections. A jurisdictional scan of these policies has been completed and attached to the report as Attachment D. Specifically, the Ontario *Municipal Elections Act* outlines that municipalities are prohibited from making contributions in any form to a candidate’s or third-party advertiser’s campaign.

All the policies considered on this topic limit how candidates may use corporate resources with an emphasis on IT assets, infrastructure and data. Given the prevalence of technology and its overlap between an individual’s personal and professional lives, other jurisdictions have deemed it necessary in their policies to have separate sections devoted solely to the use of technical assets (i.e., computers, cell phones, printers, databases). The jurisdictional scan also emphasized the need for rules around the use of corporate facilities by candidates and campaigning at corporate events.

Based on the review conducted, staff recommend that Regional Council direct staff to develop a Use of Corporate Resources during an Election administrative order, to define roles and expectations, and provide clarity to members of Council, staff and the public.

### **Concepts Explored but not Actioned**

**Tax Receipts for Political Contributions:** Currently, political contributions are not eligible for tax receipts under the *Income Tax Act (Nova Scotia)*. Allowing municipalities to issue tax receipts to campaign contributors would require a legislative amendment to the *Income Tax Act*, which would subsequently apply to all municipalities in Nova Scotia. Such an amendment could result in an unfair burden on smaller municipalities that do not necessarily have the staff resources to issue tax receipts.

**Public Funding:** The topic of public funding (i.e. using municipal funds) for an election campaign, garnered much discussion in the public consultations. Proponents suggested using public funding would aid in addressing participation barriers by ensuring that potential candidates have access to the resources needed to run an effective campaign. Tied into regulations around contribution and spending limits, public funding would also limit the advantage experienced by candidates with greater resources at their disposal. However, the public consultations found limited support among residents for public funding towards political campaigns. When asked whether a portion of candidate’s campaigns should be funded by the Municipality, 64 percent of participants responded negatively. There was also acknowledgement of how much oversight and resources that could be required if public funds were used.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications for the Municipality. Should there be a number of candidates with surpluses that they wish to keep in trust, there will be a small administrative cost to the Municipality. However, this cost is likely to be minimal. In preparation of this report, Financial Services was consulted, and did not indicate any concern with holding funds “in trust” for candidates. Should Regional Council adopt the by-law, the Municipal Clerk’s Office will work with Financial Services to ensure that the appropriate trust forms and guidelines are created for the 2020 Municipal Election.



## **RISK CONSIDERATION**

There are no risks associated with the adoption of this by-law. There may be reputational risks to the Municipality should Regional Council choose not to pursue adopting a campaign financing by-law, as there has been extensive public consultation conducted.

## **COMMUNITY ENGAGEMENT**

In March 2017, Regional Council approved a campaign finance accountability engagement strategy, and directed staff to undertake public consultation. It was anticipated that the public consultation would inform the draft by-law. Staff engaged with an external communications and engagement firm, and Corporate Communications to develop and execute the public consultation. Work was completed to ensure that materials were produced in plain language, that the public were provided with multiple ways to engage, and that the materials and approach did not have keep pre-conceptions or bias.

### **Stakeholder Engagement**

In late May 2017, the public consultation process began with pre-engagement focus groups with Councillors, previous candidates, and their official agents. Results from these stakeholder consultations helped to inform the direction for the three public consultation sessions, and the materials that were presented online. The main take away in completing these sessions, was that one focus area could not be addressed in isolation, as they were interconnected. The feedback received focused on the application of the current provisions in the MEA, and how changes could be applied in a practical sense.

### **Shape Your City Halifax – Campaign Finance Accountability**

The Shape Your City Halifax webpage for Campaign Finance Accountability was launched on June 2017 and represented a collaboration between the Municipal Clerk's Office, Corporate Communications and the external facilitator. Aimed with framing the discussion, a background guide was created. The guide was organized by the focus area, in accordance with the HRM Charter amendment (listed below). Each section provided the current view, introduced focus questions, and outlined key considerations. In addition, a cross Canada jurisdictional scan featuring campaign finance legislation, organized by focus area was provided, as well as the applicable Nova Scotian provincial information.

- 1) Who Can Contribute?
- 2) Maximum Contribution Amounts
- 3) Campaign Contribution Timelines
- 4) Maximum Spending Amounts
- 5) Disclosure, Expenses, Surpluses and Deficits

In addition to the background guide the Shape Your City Halifax site also featured two surveys. One survey dealt with campaign finance accountability, and the other focused on customer experience and the 2016 Municipal Election. A document library was also provided which featured all documents produced for the engagement sessions, and the facilitator's update and final reports.

**Link to the Online Document Library:** <https://www.shapeyourcityhalifax.ca/campaign-finance-accountability/documents>

- Campaign Finance Accountability Background Guide
- Stakeholder Engagement Summary Report
- Dartmouth Engagement Summary Report
- Halifax Engagement Summary Report
- Bedford -Sackville Engagement Summary Report
- Campaign Finance Accountability Engagement Report
- Voter Experience Engagement Report

In late May 2017, promotion on the opportunities to provide input on campaign finance accountability was transmitted by print and social media. On June 1, 2017, The Shape Your City Halifax webpage was launched, featuring the background materials, opportunities to attend in public, and the two online surveys. The surveys were open from June 1 through to June 27, 2017. Three facilitated sessions were held and placed strategically throughout HRM. In addition, a stage-share with the Green Network Plan consultation was held, featured a brief introduction to campaign finance, and information cards highlighting the two remaining facilitated sessions were provided to participants.

- June 7, 2017 – Facilitated Session held in Dartmouth
- June 12, 2017 - Stage Share – Attended the Green Network Plan in Eastern Passage
- June 14, 2017 - Facilitated Session held in Halifax
- June 22, 2017 - Facilitated Session held in Bedford-Sackville

### **Public Engagement Results**

The public engagement process was met with moderate public interest with 28 residents attending in-person facilitated sessions (including stakeholder sessions). The sessions were organized to allow for multiple ways for participants to engage, it featured a facilitated discussion, break out sessions, and a world café portion wherein participants were encouraged to move around the room and provide comment. In addition, a live draw mural was commissioned, and conducted at each session. This method helped to amplify what was occurring during the session, as it captured what was being said, the atmosphere, and the voices of the attendees. It was anticipated that participants would use the live draw method to support their understanding of the material and the conversations that occurred.

The online survey garnered 716 respondents, however there were some items where respondents were divided on. Below is a summary of the feedback received from participants and respondents on the five key focus areas, the comments were reviewed and grouped by theme by the external engagement consultant, a summary was provided in the Campaign Finance Accountability Engagement Report which formed part of the documents library previously discussed.

#### *Who Can Contribute?*

- Supported contributions from individuals, candidates, and their family members
- Demonstrated mixed support for contributions from not-for-profits and trade unions
- Did not support contributions from businesses, corporations, and developers
- Did not support campaign funding provided by taxpayer dollars

#### *Maximum Contribution Amount*

- Strongly supported limits on contributions
- Voted for maximum contributions of between \$101-\$500 followed by \$501-\$800 per contribution
- Suggested contribution limits be based on an analysis of actual campaign costs and raising funds
- especially in rural areas, when setting contribution limits

#### *Campaign Contribution Timelines*

- Strongly supported a defined campaign timeframe
- Demonstrated no consensus on a desired timeframe

#### *Maximum Spending Amounts*

- Strongly supported a limit on campaign expenditure
- Demonstrated mixed support for calculating spending limit amount with some respondents wanting the same limit for all districts and others wanting geographic size and population of a district to be considered when calculating the spending limit

#### *Disclosure, Expenses, Surpluses and Deficits*

- Strongly supported reporting of disclosures publicly online and in real time so electors have access to inform their vote

- Desired clear guidelines regarding surpluses
- Demonstrated mixed support for the donation of all surpluses to charity

Providing the public with the next steps, and information on the by-law adoption process was a key take-away at all consultations, and documentation produced. Participants expressed some frustration that they did not have a draft by-law to use as a starting point. In response, it was noted that within the process the Election Campaign Finance report and accompanying by-law would be presented to the Executive Standing Committee, to afford for the public to be able to attend and provide feedback through Public Participation portion of the meeting.

### **ENVIRONMENTAL IMPLICATIONS**

Not Applicable.

### **ALTERNATIVES**

The Executive Standing Committee may refer the proposed Campaign Financing by-law, or portions back to staff with instruction, for a supplemental report.

Executive Standing Committee may decide not to adopt proposed By-law C-1100, the Campaign Financing By-law.

### **ATTACHMENTS**

Attachment A – Draft by-law C-1100, the Campaign Financing By-law

Attachment B – Proposed 2020 Spending Limit Chart

Attachment C – Proposed Statements of Campaign Contributions & Expenditures Form

Attachment D – Jurisdictional Scan - Corporate Resources during an Election Policies

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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: Kevin Arjoon, Municipal Clerk, 902.490.6456

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**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER C-1100  
RESPECTING CAMPAIGN FINANCING**

**WHEREAS**, section 60A of the *Halifax Regional Municipality Charter*, S.N.S. 2008, c.39 as amended, provides that Council may make by-laws 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;

**AND WHEREAS** Council desires to create additional rules respecting the raising of money for municipal elections and the setting of limits on the amount of money that may be expended by each Candidate;

**AND WHEREAS** Halifax Regional Municipal Council endeavours to increase accountability and transparency by requiring additional disclosure respecting campaign expenses, contribution and surpluses;

**BE IT ENACTED** by the Council of the Halifax Regional Municipality under the authority of section 60A of the *Halifax Regional Municipality Charter* as amended, as follows:

**Short Title**

1. This By-law may be cited as By-law C-1100, the *Campaign Financing By-law*.

**Interpretation**

2. In this By-law,
  - (a) “**Act**” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
  - (b) “**Agent**” means the official agent of a Candidate and includes the Candidate if the Candidate is acting as official agent and, in the case of an Association, means the person appointed by the Association to act as agent;
  - (c) “**Association**” means an association of one or more people established to, a trust established for or a fund established to further the election of a Candidate, including a provincially or federal registered political party;
  - (d) “**Candidate**” means a Candidate pursuant to the *Act* and includes an Association;
  - (e) “**Clerk**” means the Clerk of the Municipality;
  - (f) “**Corporation**” includes an organization registered in the Nova Scotia Registry of Joint Stocks, a Non-Profit Organization, crown corporation, or a service commission;
  - (g) “**Contribution**” means services, money or other property donated to an Association or a person to support the political purposes of an Association or Candidate, but does not include personal services or the use of a vehicle volunteered by a person and not provided as part of that person's work in the service of an employer;

- (h) **“Contribution Period”** means the period of time
  - (i) for a general Election, commencing twelve (12) months prior to the ordinary polling day and terminating sixty (60) calendar days after ordinary polling day, and
  - (ii) for a special Election, commencing the day immediately after the Council or Minister has named the day of a special election and terminating sixty (60) calendar days after the ordinary polling day;
- (i) **“Election”** means an election held pursuant to the *Act* for the office of the Mayor or a Councillor, including a special election for the office of the Mayor or a Councillor;
- (j) **“Filing”** means
  - (i) the appointment of an official agent or a declaration that the Candidate will personally act as the official agent pursuant to section 70 of the *Act*, or
  - (ii) the appointment of an Agent by an Association pursuant to 49A(2) of the *Act*,
- (k) **“Final List of Electors”** means the final list of electors prepared pursuant to section 115 of the *Act*;
- (l) **“Individual”** means a person, excluding
  - (i) a Spouse,
  - (ii) a Corporation,
  - (iii) a Partnership,
  - (iv) an Association,
  - (v) a Non-Profit Organization, and
  - (vi) a Trade Union;
- (m) **“Municipality”** means the Halifax Regional Municipality;
- (n) **“Non-Profit Organization”** means
  - (i) a society incorporated pursuant to the *Societies Act*, R.S.N.S 1989 c.435, as amended,
  - (ii) a non-profit association incorporated pursuant to the *Co-Operative Associations Act*, R.S.N.S c.98, as amended,
  - (iii) a not-for-profit incorporated pursuant to the *Canada Not-for-profit Corporations Act*, S.C 2009, c.23,
  - (iv) a non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature, or
  - (v) a registered Canadian charitable organization;

(o) “**Partnership**” means a partnership registered under the *Partnerships and Business Names Registration Act* or a partnership doing business in the Province;

(p) “**Permitted Expenditure**” means those expenditures listed in Section 15 made by a Candidate or an Agent during the Contribution Period in furtherance of the Candidate’s campaign;

(q) “**Registered Elector**” means an elector whose name appears on a Final List of Electors;

(r) “**Returning Officer**” means a Returning Officer appointed pursuant to the Act;

(s) “**Spouse**” means a person married to another person and includes persons who, not being married to each other, live together as if they are spouses and have done so for at least one year; and

(t) “**Trade Union**” means a certified bargaining agent as defined in the *Trade Union Act* or a labour organization representing workers in the Province.

**Application of the By-law**

3. (1) This By-law shall apply to an Election.

(2) For the purposes of this By-Law, a Candidate is any person who was a Candidate at any time during the Contribution Period, whether or not they are nominated as a Candidate.

**Contributions to Agent**

4. A Contribution shall only be made to an Agent.

5. No person shall make a Contribution to an Agent except an Individual, a Candidate, or a Candidate’s Spouse.

6. A person, including a Corporation, Trade Union, Partnership or Non-Profit Organization who makes a Contribution in contravention of section 5 is guilty of an offence.

7. An Agent who accepts a Contribution from a person other than an Individual, a Candidate or a Candidate’s Spouse is guilty of an offence.

8. Candidate information and Agent information contained in the Filing shall be made public by the Municipality by posting such information to the Municipality’s website.

**Anonymous Contributions**

9. (1) An Agent shall not accept an anonymous Contribution.

(2) If an anonymous Contribution cannot be returned to the contributor, it shall be remitted to the Treasurer of the Municipality, or the Treasurer’s designate.

(3) The Treasurer of the Municipality, or the Treasurer’s designate, shall donate the anonymous Contribution to a Non-Profit Organization of the Candidate’s choice.

**Contribution Limits**

10. (1) An Individual may make a Contribution to a maximum amount of:

(a) two thousand five hundred dollars (\$2,500) per Councillor Candidate per Election; and

(b) two thousand five hundred dollars (\$2,500) per Mayoral Candidate per Election.

(2) The total amount of Contributions an Individual may make, per Election, shall not exceed seven thousand, five hundred dollars (\$7,500).

(3) The combined total amount a Candidate and a Candidate's Spouse may contribute to the Candidate's campaign shall not exceed ten thousand dollars (\$10,000).

#### **Dates to Receive Contributions**

11. An Agent shall only accept a Contribution if:

- (a) the Filing has been received by the Municipality; and
- (b) the Contribution is made during the Contribution Period.

#### **Maximum Spending Limits**

12. (1) A Candidate in an Election, shall spend no more than:

**\$10,000 plus \$1.00 per each Elector in the Candidate's district plus \$1.00 per each square kilometre in the Candidate's district.**

(2) When calculating the square kilometres set forth in subsection 12(1), the number of square kilometres in each district shall be rounded up to the nearest whole number.

(3) To calculate the spending limits for a Mayoral race as set forth in subsection 12(1), the Candidate's district shall be the entire Municipality.

(4) The total of a Candidate's maximum spending limit shall be rounded up to the nearest hundred dollar amount.

(5) A Candidate who spends more than the amount set by this section is guilty of an offence.

13. (1) Subject to subsection 13(2), to calculate the maximum spending limit as set forth in subsection 12(1), the number of Electors on the Final List of Electors for the Candidate's district from the previous Election shall be used.

(2) For the first Election held after the revision of polling district boundaries in accordance with Part XVI of the *Municipal Government Act*, the estimated number of Electors contained in each polling district, as accepted by the Nova Scotia Utility and Review Board, shall be used to calculate the maximum spending limit.

#### **Permitted Expenditures**

14. (1) Only a Candidate or an Agent shall expend Contributions.

(2) A Candidate or an Agent shall only expend Contributions:

- (a) on Permitted Expenditures; and

(b) during the Contribution Period.

15. The following are the only Permitted Expenditures for which a Candidate or an Agent may expend Contributions:

- (a) the nomination deposit;
- (b) advertising and printing costs, including costs associated with online advertising;
- (c) office and facility rental costs;
- (d) office administrative costs, including office supplies and equipment costs such as telephones and other utilities;
- (e) insurance costs;
- (f) remuneration or salaries;
- (g) the costs of printed electoral materials, including maps, list of electors, signs, sign posts, sign holders, and distribution costs such as postage and couriers;
- (h) storage costs for electoral materials;
- (i) food, beverage, and entertainment costs; and
- (j) transportation costs.

**Returning Officer**

16. (1) The Returning Officer for the Election shall create

- (a) a Statement of Campaign Contributions and Expenditures; and
- (b) a Statement of Campaign Surplus.

(2) The Returning Officer for the election shall provide each Candidate with a copy of the statements set forth in subsection 16(1).

**Reporting**

17. A Candidate shall use the statements provided by the Returning Officer in subsection 16(1) to make the Candidate's disclosures as required by this By-law.

**Disclosure Requirements**

18. (1) In addition to any disclosure requirements set forth in the *Act*, within sixty (60) calendar days after the ordinary polling day in an Election, every Candidate who submitted a Filing shall file with the Clerk:

- (a) a Statement of Campaign Contributions and Expenditures; and
- (b) a Statement of Campaign Surplus.



(2) A Candidate who:

(a) fails to file a Statement of Campaign Contributions and Expenditures and a Statement of Campaign Surplus within sixty (60) calendar days after the ordinary polling day; or

(b) files a false Statement of Campaign Contributions and Expenditures, or a false Statement of Campaign Surplus,

is guilty of an offence.

**Statement of Campaign Contributions and Expenditures**

19. (1) A Statement of Campaign Contributions and Expenditures shall include:

(a) the name of the Candidate;

(b) the Contribution Period;

(c) the total dollar amount of Contributions that were received for the Election;

(d) the full name and residential address, other than a post office box unless that is the only address available, of each Individual who made a Contribution exceeding fifty dollars (\$50), and the amount of the Contribution by that Individual;

(e) the total dollar amount of Contributions of less than fifty dollars (\$50);

(f) the amount a Candidate and the Candidate's Spouse has contributed to the Candidate's campaign;

(g) any non-monetary Contributions or Contributions made in kind and the details of such Contributions;

(h) a list of the Permitted Expenditures, as set forth in section 15, to which the Candidate expended a Contribution and including the total dollar amounts for each expenditure; and

(i) any other revenue, including interest, or refund of nomination filing fees which the Candidate received.

(2) The person filing the Statement of Campaign Contributions and Expenditures shall attest to the accuracy and truthfulness of the contents of the Statement of Campaign Contributions.

(3) Upon filing the Statement of Campaign Contributions and Expenditures, the Clerk or the Clerk's designate, shall post a redacted Statement of Campaign Contributions and Expenditures to the Municipality's website.

**Statement of Campaign Surplus**

20. (1) A Statement of Campaign Surplus shall set out:

(a) the amount of any surplus, with surplus being the difference between the Candidate's total amount of Contributions accepted and the Candidate's total amount of spending during the Contribution Period;

(b) the Candidate's choice to either:

- (i) donate any surplus to a Non-Profit Organization, or
  - (ii) provide the surplus to the Municipality which shall hold the surplus in trust, without interest, on behalf of the Candidate for use by the Candidate in a future Election; and
- (c) the Candidate's choice of Non-Profit Organization that will receive the surplus if the Candidate does not run in the next two Elections, other than special elections, per subsection 20(3).
- (2) If a Candidate runs in a future Election, the surplus held in trust by the Municipality as per subclause 20(1)(b)(ii) shall be provided to the Candidate at the commencement of the Contribution Period for that Election and the surplus shall be included in the Candidate's Contribution limit for that Election.
- (3) The surplus held in trust by the Municipality as per subclause 20(1)(b)(ii) for a Candidate who does not offer themselves as a Candidate for the next two Elections, other than special elections, shall be forfeited to the Municipality and the Municipality shall donate the surplus to:
- (a) a Non-Profit Organization as indicated by the Candidate on the Statement of Campaign Surplus; or
  - (b) if the Non-Profit Organization has dissolved since the filing of the Statement of Campaign Surplus, to another Non-Profit Organization chosen by the Clerk.
- (4) The Candidate shall attest to the accuracy and truthfulness of the contents of the Statement of Financial Surplus.
- (5) Upon filing the Statement of Campaign Surplus, the Clerk or the Clerk's designate, shall post a redacted Statement of Campaign Surplus to the Municipality's website.

**Additional Information**

21. (1) The Returning Officer may, at any time up to thirty (30) days after the deadline of receipt of a Candidate's Statement of Contributions and Expenditures or a Candidate's Statement of Campaign Surplus as set out in subsection 18(1), request additional information from a Candidate or an Agent and such Candidate or Agent shall provide responses to the Returning Officer no later than the time set forth in the returning officer's request for further information.
- (2) A Candidate or an Agent who does not provide the Returning Officer the additional information requested in subsection 21(1) is guilty of an offence.

**Transition**

22. The maximum spending limit permitted by section 12 shall apply to all expenditures for an Election, including those expenditures that occurred before this By-law comes into force and outside of the Contribution Period.

**Offences**

23. Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable, upon summary conviction, to a penalty of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000) and in default of payment, to imprisonment for a term of not more than six (6) months.

Done and passed in Council this      day of                      , 201      .

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Mayor

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Clerk

## Campaign Spending Limit Chart 2020 Municipal Election (Proposed)

District	District Name	Eligible Voters (2016)	Area Square KM (rounded up)	Spending Limit
HRM	Mayor	288277	5910	\$304,200
HRM	Average Councillor	-	-	\$28,400
1	Waverley – Fall River – Musquodoboit Valley	15762	1831	\$27,600
2	Preston-Chezzetcook - Eastern Shore	19569	2564	\$32,200
3	Dartmouth South – Eastern Passage	20927	54	\$31,000
4	Cole Harbour – Westphal	18711	35	\$28,800
5	Dartmouth Centre	20032	13	\$30,100
6	Harbourview-Burnside- Dartmouth East	17835	41	\$27,900
7	Halifax South Downtown	15566	8	\$25,600
8	Halifax Peninsula North	18465	8	\$28,500
9	Halifax West – Armdale	20037	13	\$30,100
10	Halifax-Bedford Basin West	16776	10	\$26,800
11	Spryfield-Sambro Loop-Prospect Road	18079	364	\$28,500
12	Timberlea-Beechville- Clayton Park- Wedgewood	18026	82	\$28,200
13	Hammonds Plains – St. Margarets	18356	672	\$29,100
14	Middle/Upper Sackville – Beaver Bank - Lucasville	16195	157	\$26,400
15	Lower Sackville	15755	20	\$25,800
16	Bedford- Wentworth	18186	46	\$28,300

**FORMULA: \$10,000 plus \$1.00 per each person registered on the list of electors in the Candidate's district plus \$1.00 per each square kilometre rounded up to the nearest whole number in the Candidate's district.**

### Statement of Campaign Contributions and Expenditures

Candidate's Name		
Agent's Name		
Contribution Period	From: October 17, 2019	To: December 16, 2020

Contributor's Full Name	Financial Contribution Amount (\$) (list all Contributions greater than \$50)	In-Kind Donation Amount (\$) & Detail	Street Address	Town/City/Community	Province	Postal Code
<b>Total Deposited</b>	\$					
<b>Total In-Kind</b>	\$					
<b>Total Contributions</b>	\$					

<b>A</b>	<b><i>Campaign Period Revenues</i></b>	
<b>B</b>	<i>Campaign Contributions</i>	
<b>C</b>	Total Contributions of less than \$50	
<b>D</b>	Total Contributions by the Candidate and/or Candidate's Spouse	
<b>E</b>	Total In-Kind Contributions (from accompanying sheet)	
<b>F</b>	Total of Cash Contributions greater than \$50 (from accompanying sheet)	
<b>G</b>	Total of any surplus carried over from previous elections	
<b>H</b>	Other revenue (please provide detail on separate sheet)	
<b>I</b>	<b><i>Total Campaign Contributions (add lines A to H)</i></b>	
<b>J</b>	<b><i>Spending Limit</i></b> **For the Mayoral race, "district" is considered the entire Municipality	
<b>K</b>	Number of electors in the district	
<b>L</b>	Square kilometres in the district (rounded up to the nearest whole number)	
<b>M</b>	Spending Limit: $\$10,000 + (\$1.00 \times \# \text{ of electors}) + (\$1.00 \times \text{km}^2)$	
<b>N</b>	<b><i>Contribution Period Expenditures</i></b>	
<b>O</b>	Nomination Deposit	
<b>P</b>	Advertising and Printing	
<b>Q</b>	Office and Facility Rental	
<b>R</b>	Office Administration (include office supplies and equipment)	
<b>S</b>	Insurance costs	
<b>T</b>	Remuneration or salaries	
<b>U</b>	Printed Electoral Materials (signs, maps, list of Electors, postage, etc.)	

V	Storage costs for Electoral Materials	
W	Food, Beverage and Entertainment costs	
X	Transportation costs	
Y	<i>Total Campaign Expenditures (add lines O to X)</i>	
Z	<i>Difference Between Expenditures and Candidate's Spending Limit (subtract line Y from M)</i>	
AA	<i>Surplus (Deficit) of Campaign Contributions Over Expenditures (subtract line Y from I)</i>	

### **Attestation of the Candidate**

I, [name of candidate], a candidate in the municipal election on [date of election] certify:

1. That the above Statement of Campaign Contributions and Expenditures is a true and complete disclosure of all contributions, expenditures and campaign revenues incurred by me or by my official agent on my behalf in respect of the above contribution period and in accordance with By-law C-1100.
2. That I have no reason to believe that any campaign expenditures other those listed in the Statement of Campaign Contributions and Expenditures have been expended by me or with my authority and consent or by any person for the purposes of assisting me in the election.
3. That I agree to a redacted version of this form being posted publicly on the Municipality's website.

Signature of Candidate: \_\_\_\_\_

Date: \_\_\_\_\_

Declared before me at \_\_\_\_\_, in the Province of Nova Scotia this day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

(to be declared before a Justice of the Peace, Notary Public, or a Commissioner of Oaths)

### Statement of Campaign Surplus

Candidate's Name		
Agent's Name		
Contribution Period	From: October 17, 2019	To: December 16, 2020

I, [name of candidate], certify:

1. That the following Statement of Financial Surplus is a true account of all the campaign expenditures and campaign contributions of my election campaign in respect of the aforesaid election:

(a) Campaign Contributions:     \$ \_\_\_\_\_

(b) Campaign Expenditures:     \$ \_\_\_\_\_

(c) Total Surplus (Deficit):     \$ \_\_\_\_\_

2. That, if applicable, I will dispose of the surplus, in the following ways:

Disposal Method	Amount	Detail
Donate to a Non-Profit Organization	\$ _____	
Place "in trust" with the Halifax Regional Municipality for my use in a future election	\$ _____	

3. That if I choose to place my surplus "in trust" with the Municipality and do not run in the next two regular elections, or determine that the surplus should be disposed at any time during that period, this surplus shall be forfeited to the Municipality which shall then donate the funds to the following Non-Profit Organization \_\_\_\_\_.

4. That I agree to a redacted version of this form being posted publicly on the Municipality's website.

5. That I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signature of Candidate: \_\_\_\_\_



Date: \_\_\_\_\_

Declared before me at \_\_\_\_\_, in the Province of Nova Scotia this day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

(to be declared before a Justice of the Peace, Notary Public, or a Commissioner of Oaths)

# Jurisdictional Scan – Corporate Resources during an Election Policies

Attachment D

Municipality	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
The following cities were considered, but did not have use of corporate resources policies: Vancouver, BC; Surrey, BC; Calgary, AB; Winnipeg, MB.						
Under Section 88.8(4) and 88.12(4) of the Ontario Municipal Elections Act relating to campaign contribution rules, municipalities are prohibited from making contributions in any form to candidates' and third-party advertisers' campaigns. The following policies are in response to these sections.						
<p><b>Brampton, ON</b>  <a href="https://www.brampton.ca/EN/City-Hall/election/Documents/Use%20of%20Corporate%20Resources%20Policy%2017.pdf">https://www.brampton.ca/EN/City-Hall/election/Documents/Use%20of%20Corporate%20Resources%20Policy%2017.pdf</a> – rules for Council members, candidates, RTPAs and staff.</p>	<ul style="list-style-type: none"> <li>- Equipment, supplies, services, staff, or other resources shall not be used for campaign activities.</li> <li>- Funds not used to acquire campaign resources, or print or distribute material that contains the names or photographs of candidates or RTPAs.</li> </ul>	<ul style="list-style-type: none"> <li>- Corporate IT assets, infrastructure or data (e.g., computers, wireless devices, portals, corporate email, web pages, blogs, telephones) shall not be used to communicate election related messages.</li> </ul>	<ul style="list-style-type: none"> <li>- No reference to individual as a candidate on social media, blogs, other new media.</li> <li>- As of nomination day, all advertising and printing services shall be discontinued for Council members who are candidates unless there are compelling corporate needs.</li> </ul>	<ul style="list-style-type: none"> <li>- Campaigning not permitted unless the facility is rented in accordance with municipal agreements.</li> <li>- May not direct campaign at city employees engaged in city work.</li> </ul>	<ul style="list-style-type: none"> <li>- Candidates or RTPAs are permitted to campaign at city/non-city events unless they are attending as city representatives.</li> </ul>	<ul style="list-style-type: none"> <li>- Staff shall only work for candidates or RTPAs when they are not receiving compensation from the City or during scheduled time off. Staff may not distribute campaign material at any city facility or property.</li> </ul>
<p><b>Hamilton, ON</b>  <a href="https://d3fplf1m7bbt3.cloudfront.net/sites/default/files/media/broswer/2018-05-23/city-resources-during-election-period-policy-8-1-cl18004.pdf">https://d3fplf1m7bbt3.cloudfront.net/sites/default/files/media/broswer/2018-05-23/city-resources-during-election-period-policy-8-1-cl18004.pdf</a> - rules for Council members, RTPAs and staff</p>	<ul style="list-style-type: none"> <li>- Equipment, supplies, services, staff, or other resources shall not be used for campaign activities.</li> <li>- Funds shall not be used to acquire campaign resources.</li> <li>- Funds shall not be used to print or distribute material that names/provides image of candidates RTPAs.</li> </ul>	<ul style="list-style-type: none"> <li>- Corporate IT assets, infrastructure or data (e.g., computers, wireless devices, corporate email, web pages, telephones) shall not be used to communicate campaign messages.</li> </ul>	<ul style="list-style-type: none"> <li>- No Council member's newsletter or website linked through the City's website will be used for campaigning.</li> <li>- City social media, blogs, or other new media shall not reference candidates, political parties or RTPAs.</li> </ul>	<ul style="list-style-type: none"> <li>- Facilities or property shall not be used for campaigning unless the resources are made available to the public and rented accordingly.</li> </ul>	<ul style="list-style-type: none"> <li>- Candidates will not campaign at city events.</li> <li>- Council members attending events as City representatives shall not campaign.</li> <li>- No campaigning directed at City staff while they are working.</li> </ul>	<ul style="list-style-type: none"> <li>- Staff shall only work for candidates or RTPAs when they are not receiving compensation from the City or during scheduled time off. Staff may not distribute campaign material at any city facility or property.</li> </ul>

# Jurisdictional Scan – Corporate Resources during an Election Policies

Attachment D

Municipality	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
<p><b>Kingston, ON</b>  <a href="https://www.cityofkingston.ca/documents/10180/20847/Use+of+Corporate+Resources+For+Elections+Purposes+Policy/7c6c9522-c809-4c88-a736-a43b76f29e0a">https://www.cityofkingston.ca/documents/10180/20847/Use+of+Corporate+Resources+For+Elections+Purposes+Policy/7c6c9522-c809-4c88-a736-a43b76f29e0a</a> - includes rules that councillors, employees and registered third party advertisers (RTPA) must follow.</p>	<ul style="list-style-type: none"> <li>- Funds shall not be used to print/distribute campaign materials.</li> <li>- As of Nomination Day, Council members' budgets won't be used to sponsor comms materials.</li> </ul>	<ul style="list-style-type: none"> <li>- No use of computers, cell phones, printers, etc. or website/domain names funded by the City for campaigning.</li> <li>- Voicemail/email systems shall not be used to record or distribute campaign messages.</li> </ul>	<ul style="list-style-type: none"> <li>- No links to councillor social media accounts on city website.</li> <li>- Council bios remain static</li> <li>- Only online candidate list may contain links to candidate websites.</li> <li>- No use of City logo, etc. or City produced intellectual property on campaign materials.</li> <li>- No Council member names on City ads unless consistent with their duties.</li> </ul>	<ul style="list-style-type: none"> <li>- Must rent municipal facilities for campaign purposes as per procedure.</li> <li>- Campaign materials can only be displayed at municipal facilities when rented accordingly.</li> </ul>	<ul style="list-style-type: none"> <li>- No campaigning at city-hosted events</li> </ul>	<p>Prohibited from:</p> <ul style="list-style-type: none"> <li>- Political activity during normal working hours (unless on approved leave).</li> <li>- Using corporate assets, resources, or property for campaigning</li> <li>- Producing, displaying, or distributing campaign materials on City work sites or property</li> <li>- Wearing items identifying them as employees while working for a Candidate.</li> </ul>
<p><b>London, ON</b>  <a href="https://www.london.ca/newsroom/Documents/Resources/ElectionPeriod.pdf">https://www.london.ca/newsroom/Documents/Resources/ElectionPeriod.pdf</a> - includes rules for members of Council, other election candidates, and employees.</p>	<ul style="list-style-type: none"> <li>- City staff, equipment, funds, mail room supplies, print room supplies/services, brand, lists/files produced (except those produced for election purposes) shall not be used for campaign-related purposes during election period.</li> </ul>	<ul style="list-style-type: none"> <li>- City technical services or equipment (e.g., computers, mobile devices, email, voicemail, websites) shall not be used for election campaign purposes.</li> </ul>	<ul style="list-style-type: none"> <li>- City print/electronic materials, and photos/videos shall not be used for election campaign purposes.</li> <li>- No City comms materials shall illustrate, reference, or profile an individual who is a registered candidate except official reports or minutes.</li> </ul>	<ul style="list-style-type: none"> <li>- City property and facilities shall not be used for election campaign purposes.</li> <li>- Campaign materials may not be displayed or distributed at city facilities.</li> </ul>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>	<p>May not canvass or work in support of a candidate during business hours unless on a leave of absence without pay, lieu time, overtime leave, or vacation leave.</p>

# Jurisdictional Scan – Corporate Resources during an Election Policies

Attachment D

Municipality	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
<p><b>Ottawa, ON</b>  <a href="https://ottawa.ca/en/city-hall/your-city-government/policies-and-administrative-structure/administrative-policies#election-related-resources-policy">https://ottawa.ca/en/city-hall/your-city-government/policies-and-administrative-structure/administrative-policies#election-related-resources-policy</a>                      – includes rules and direction for members of Council and City staff.</p>	<ul style="list-style-type: none"> <li>- Member budgets will be pro-rated during election year with a portion reserved for the time after the election.</li> </ul>	<ul style="list-style-type: none"> <li>- Website access available to the public generally may be used by Council members.</li> </ul>	<ul style="list-style-type: none"> <li>- Member budgets won't sponsor ads/flyers 60 days before Voting day or campaign materials.</li> <li>-</li> </ul>	<ul style="list-style-type: none"> <li>- Equipment or facilities access available to the public generally may be used by Council Members as no special preference is being given.</li> </ul>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>	<ul style="list-style-type: none"> <li>- Prohibited from</li> <li>- Political activity during work hours or use of City assets, resources, property to do so.</li> <li>- Distributing campaign materials on City work sites/property</li> </ul> <p>Employees wishing to run must obtain a leave of absence and return all accesses.</p>
<p><b>Toronto, ON</b>  <a href="https://www.toronto.ca/wp-content/uploads/2018/02/8dc6-resources-during-election-policy.pdf">https://www.toronto.ca/wp-content/uploads/2018/02/8dc6-resources-during-election-policy.pdf</a> - includes rules that councillors and RTPAs must follow.</p> <p>Entity = councillor and RTPAs</p>	<ul style="list-style-type: none"> <li>- General information provided to one election entity must be provided to all other entities.</li> <li>- City databases shall not be used for campaigning unless they're public.</li> <li>- If meeting/tours are organized by employees with one entity, employees must commit to organizing similar ones with all others entities.</li> <li>- As of August 1 of election year, comms</li> </ul>	<ul style="list-style-type: none"> <li>- City infrastructure (physical or tech systems that support City ops) won't be used for campaign purposes.</li> </ul>	<ul style="list-style-type: none"> <li>- No use of logo, etc., pictures with City employees, intellectual property created by City will be on campaign materials</li> <li>- City websites, domains, email addresses won't be used to distribute campaign materials or reference individuals as candidates and can't be repurposed for campaigns.</li> </ul>	<ul style="list-style-type: none"> <li>- May not be used for campaign purposes unless rented for a nominal fee.</li> <li>- Materials may not be distributed in a City-owned facility, but may be distributed in public parks or squares.</li> </ul>	<ul style="list-style-type: none"> <li>- Materials may not be distributed at a city event.</li> <li>- Entities may attend events, but may not campaign.</li> <li>- Once writ is dropped (prov/fed), MPs or MPPs (except Ministers) are no longer invited to attend.</li> </ul>	<p>No employee-specific provisions, but may be in corporate policies.</p>

# Jurisdictional Scan – Corporate Resources during an Election Policies

Attachment D

Municipality	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
	<p>materials will only reference job titles (e.g., Mayor of TO). Ceremonial documents will be signed by the Mayor as CEO. The Mayor may be named in intergovernmental activities.</p>					