Rural Municipality of Murray Harbour, PEI
A Bylaw for Municipal Elections Proceedings
Bylaw 118

BE IT ENACTED by the Council of the Rural Municipality of Murray Harbour as follows:

PART I - INTERPRETATION AND APPLICATION

1. Title

1.1. This bylaw shall be known and cited as the "Elections Bylaw."

2. Purpose

2.1. The purpose of this bylaw is to establish the rules and procedures for municipal elections.

3. Authority

3.1. This bylaw is adopted pursuant to Part 3 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, the Municipal Election Regulations, and the Campaign Contributions and Election Expenses Bylaw Regulations.

4. Application

4.1. This bylaw applies to the Mayor and all members of Council, municipal employees, and the public. It operates together with, and as a supplement to, the *Municipal Government Act* and applicable regulations.

5. Definitions

5.1. In this bylaw, any word and term that is defined in the *Municipal Government Act*, the Municipal Election Regulations, or the Campaign Contributions and Election Expenses Bylaw Regulations has the same meaning as in that Act or regulations.

5.2. "Act" means the *Municipal Government Act*.

5.3. "Campaign Financing Regulations" - means the Campaign Contributions and Election Expenses Bylaw Regulations.

5.4. "Campaign Contribution" - means a campaign contribution as defined in the Campaign Contributions and Election Expenses Bylaw Regulations.

5.5. "Campaign Contribution Period" - means a campaign contribution period as defined in the Campaign Contributions and Election Expenses Bylaw Regulations.

5.6. "Candidate" - means a person nominated in accordance with Part 3, Division 8, of the Act, and for the purposes of the provisions of this bylaw pertaining to campaign contributions and election expenses, includes a person who has declared an intention to run as a candidate in accordance with clause 2(1)(a) of the Campaign Contributions and Election Expenses Bylaw Regulations.

5.7. "Chief Administrative Officer" or "CAO" means the administrative head of a municipality as appointed by council under clause 86(2)(c) of the Act.

5.8. "Council" means the mayor and other members of the council of the municipality.

5.9. "Councillor" means a member of council other than the mayor.

5.10. "Election Expense" - means an election expense as defined in the Campaign Contributions and Election Expenses Bylaw Regulations.

5.11. "Election Expenses Period" - means an election expense period as defined in the Campaign Contributions and Election Expenses Bylaw Regulations.

5.12. "Election Regulations" - means the Municipal Election Regulations.

5.13. "Employee" means an employee as defined in clause 1(k) and further set out in subsection 34(1) of the Act.

5.14. "List of Electors" means the preliminary list of electors, supplementary list of electors or the official list of electors, as the context requires;

5.15. "Municipal Electoral Officer" means the person appointed under section 40 of the Act to be responsible for the administration of the election.

6. Interpretation

6.1. This bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation, regulations, and the definitions set out in them.

Part II -Employee Election Activities

7. General

7.1. All employee election activities and interaction with employees relating to elections shall be undertaken in accordance with subsections 35(1) and (2) of the Act.

Part III - Campaign Contributions and Election Expense Disclosure

8. Election Expenses

8.1. Pursuant to clause 2(1)(a) of the Campaign Financing Regulations and effective January 1, 2019, in the case of an election, the election expenses period is the period in an election year beginning when a person publically declares their intention to run as a candidate (in person or by electronic means) and ending on the election day or the declaration that the candidate is elected, whichever is earlier.

8.2. Pursuant to clause 2(1)(b) of the Campaign Financing Regulations and effective January 1, 2019, in the case of a by-election, the election expenses period is the period beginning when Council sets the date of the Election Day and ending on the earlier of Election Day and the declaration that the candidate is elected.

8.3. Pursuant to subsection 2(2) of the Campaign Financing Regulations and effective January 1, 2019, election expenses shall only be incurred by or on behalf of a candidate during the election expenses period.

8.4. Pursuant to subsection 2(3) of the Campaign Financing Regulations, expenses related to the preparation of advertising materials and signs may be incurred prior to the election expenses period. These expenses shall be recorded and disclosed as election expenses in accordance with the provisions of this bylaw.

8.5. Pursuant to subsection 3(1) of the Campaign Financing Regulations and effective January 1, 2019, the maximum allowable election expenses of a candidate for mayor is **$5,000**.

8.6. Pursuant to subsection 3(2) of the Campaign Financing Regulations and effective January 1, 2019, the maximum allowable election expenses of a candidate for councillor is **$2,000**.

8.7. Pursuant to section 10 of the Campaign Financing Regulations, election expenses incurred by a candidate in an election shall not be carried forward to be considered as an allowable election expenses in a subsequent election.

9. Campaign Contributions

9.1. Pursuant to subsection 4(1) of the Campaign Financing Regulations and effective January 1, 2019, the following may contribute to a candidate's campaign in an election or by-election:

(a) an individual;

(b) an organization;

(c) a corporation;

9.2. Pursuant to subsection 4(2) of the Campaign Financing Regulations and effective January 1, 2019, contributors shall not make a contribution exceeding **$500** to any one candidate for mayor in an election.

9.3. Pursuant to subsection 4(3) of the Campaign Financing Regulations and effective January 1, 2019, contributors shall not make a contribution exceeding **$200** to any one candidate for councillor in an election.

9.4. Pursuant to subsection 4(4) of the Campaign Financing Regulations and effective January 1, 2019, neither a candidate nor that candidate's spouse shall make a contribution to that candidate's own election campaign exceeding the difference between the maximum expenditure amount and the total contributions from other contributors.

9.5. Pursuant to subsection 8(1) of the Campaign Financing Regulations, no candidate shall accept anonymous campaign contributions.

9.6. Pursuant to subsection 8(2) of the Campaign Financing Regulations, where a candidate receives an anonymous campaign contribution, the candidate shall ensure that the contribution is not used or spent, but is donated to a registered

charity of the candidate's choice within thirty (30) days of receipt of the contribution.

10. Candidate Records

10.1. Pursuant to subsection 5(1) of the Campaign Financing Regulations, a candidate shall keep complete and proper accounting records of all campaign contributions and election expenses.

10.2. Pursuant to subsection 5(2) of the Campaign Financing Regulations, a candidate must ensure that:

(a) proper records are kept of receipts and expenses;

(b) a record is kept of the value of every campaign contribution, whether the contribution is in the form of money, goods or services, and the name and address of the contributor;

(c) receipts are provided to the contributor for every campaign contribution referred to in section 10.2(b) of this bylaw; and

(d) all records kept in accordance of this section remain in the possession and under control of the candidate or the candidate's agent at all times.

11. Candidate Disclosure: Filing and Records Retention

11.1. Pursuant to subsection 6(2) of the Campaign Financing Regulations, a candidate shall file a disclosure statement of the candidate's campaign contributions and election expenses, listing all campaign contributions and all elections expenses.

11.2. The disclosure statement shall be in writing in the form approved by the Minister, and shall be filed with the Municipal Electoral Officer within two months following the date of a municipal election.

11.3. If the MEO is no longer appointed, the candidate shall file the disclosure statement with the CAO.

11.4. Pursuant to subsection 6(3) of the Campaign Financing Regulations, a candidate's disclosure statement shall include:

(a) a statutory declaration that states the total campaign contributions and the total election expenses of the candidate for that election campaign, and whether there is any surplus;

(b) the following information in relation to campaign contributions:

i. the name and address of each contributor whose cumulative campaign contribution exceeded **$250;**

ii. the cumulative amount that each of the named contributors has given to the candidate;

iii. the cumulative total of all contributions under **$250;**

iv. If no contributor's cumulative campaign contribution exceeded **$250**; a notation to that effect;

(c) a list of all election expenses and campaign contributions;

(d) a full accounting of all election expenses and campaign contributions relating to fundraising events;

(e) a description and estimated value of each donation in kind; and

(f) a description and estimated value of each loan received for the purposes of the election campaign.

11.5. Pursuant to section 7 of the Campaign Financing regulations, no candidate shall file a false, misleading or incomplete disclosure statement.

11.6. Pursuant to subsection 9(1) of the Campaign Financing Regulations, where a candidate's disclosure statement filed in accordance with 11.1 of the bylaw discloses a surplus of campaign contributions in the form of money, a named contributor's monetary campaign contribution shall be returned to the contributor, on a pro-rated basis, where

(a) the candidate withdraws from the election prior to election day; and

(b) the contributor requests in writing to the candidate, within 14 days of the candidate's withdrawal, the return of the campaign contribution.

11.7. Subject to a refund of a named contributor's campaign contribution pursuant to subsection 11.6 of this bylaw, where a candidate's disclosure statement filed in accordance with 11.1 of the bylaw discloses a surplus of campaign contributions in the form of money, the candidate shall turn over the remaining surplus to the CAO to be used for municipal purposes as determined by council resolution.

11.8. Pursuant to subsection 11 (1) of the Campaign Financing Regulations, all documents filed with the municipal electoral officer shall be delivered by the municipal electoral officer to the chief administrative officer of the municipality within two weeks after the time specified in section 11(2) of the bylaw for filing the documents.

11.9. Pursuant to subsection 11(2) of the Campaign Financing Regulations, the CAO shall retain the documents referred to in 11.8 of this bylaw in accordance with the records retention and disposal schedule of the municipality that is established pursuant to section 117 of the Act.

11.10. Pursuant to subsection 11(3) of the Campaign Financing Regulations, all documents filed with the MEO and retained by the CAO under section 11.9 of this bylaw are public documents and may, upon request, be available for inspection on request to the CAO during regular officer hours.

11.11. Pursuant to subsection 12(1) of the Campaign Financing Regulations, a candidate, whether elected or not, shall retain all records required pursuant to the regulations for no less than seven (7) years.

11.12. Pursuant to subsection 12(2) of the Campaign Financing Regulations, the MEO, or the CAO if the MEO is no longer appointed, may require a candidate (whether elected or not) to provide additional information and supporting documentation