

Acts & By-Laws respecting corrupt practices

The *Municipal Elections Act* and the Halifax Regional Municipality By-law A-400, the *Alternative Voting By-law*, create offences respecting corrupt practices, bribery, and interfering with municipal elections.

Municipal Elections Act

149 Every person who

- (a) induces or procures any person to vote knowing that that person has no right to vote;
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate;
- (c) votes knowing that he is for any reason not qualified;
- (d) votes at more than one polling station in a municipality on ordinary polling day;
- (e) places any writing, number or mark on a ballot paper so that an elector may be thereby identified;
- (f) knowingly furnishes false or misleading information to an election officer; or
- (g) not being authorized by this Act, wilfully
 - (i) has a ballot paper or ballot in his possession,
 - (ii) alters, defaces or destroys a ballot paper,
 - (iii) supplies a ballot paper to any person,
 - (iv) deposits a paper other than a ballot paper in a ballot box,
 - (v) takes a ballot paper out of a polling station,
 - (vi) delivers to the deputy returning officer, to be placed in a ballot box, anything other than the ballot paper given him by the deputy returning officer,
 - (vii) destroys, takes, opens or otherwise interferes with a ballot box or books or packets of ballots or a ballot to be used, in use or used for the purpose of an election, or
 - (viii) prints a ballot paper or anything capable of being used as a ballot paper,

is guilty of a corrupt practice and is liable to a fine of not less than five hundred dollars nor more than five thousand dollars or to imprisonment for a term of not less than forty-five days nor more than six months, or to both.

150 Every person who

- (a) and (b) *repealed*
- (c) after having voted at an advance polling station votes or attempts to vote at a polling station on ordinary polling day,

is guilty of a corrupt practice and is liable to a fine of not more than two thousand five hundred dollars or to imprisonment for a term of not more than six months, or both.

151 (1) Every person who, by intimidation or duress,

- (a) compels, induces or prevails upon any person to vote or refrain from voting at an election; or

(b) impedes, prevents or otherwise interferes with the free exercise of the franchise of any elector,
is guilty of a corrupt practice and is liable to a fine of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both.

- (2)** Every person who
- (a) represents to any person that the ballot paper to be used or the mode of voting at an election is not secret;
 - (b) acts as an election officer without lawful authority; or
 - (c) impedes or obstructs an election officer in the performance of his duties under this Act,

is guilty of a corrupt practice and is liable to a fine of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both. R.S., c. 300, s. 151.

- 152** Every candidate who, during an election
- (a) agrees, at the request of any person, to follow a course of action that will prevent him from exercising freedom of action on the council or to resign therefrom if called upon by any person; or
 - (b) makes or promises to make a bet or wager upon the result of the election or on any event or contingency relating to it,

is guilty of a corrupt practice and is liable to a penalty of not less than one thousand dollars nor more than ten thousand dollars or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both.

- 154 (1)** Every person who, directly or indirectly, offers, promises, gives, lends, accepts, borrows

or demands valuable consideration, including office or employment, to

- (a) induce any elector to vote or to refrain from voting;
- (b) vote or refrain from voting;
- (c) procure the return of any candidate or the vote of any elector;
- (d) induce a person to allow himself to be nominated as a candidate, to refrain from becoming a candidate or to withdraw from becoming a candidate;
- (e) illegally assist a candidate; or
- (f) engage in corrupt practices at an election,

is guilty of bribery, and on summary conviction is liable to a fine of not less than one thousand dollars nor more than ten thousand dollars, or to imprisonment for a term of not less than ninety days nor more than twelve months, or to both, and is disqualified from voting at any election for six years.

- (2)** The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection

with the election, incurred by the candidate in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act.

- 155 (1) Every person who
- (a) during the hours of polling on ordinary polling day
 - (i) supplies, carries or wears any flag, ribbon, emblem, badge or like favour with the intent to distinguish the user as the supporter of a candidate,
 - (ii) supplies, carries or uses a loud speaker, public address system, flag or banner with the intent that it be used to support a candidate, or
 - (iii) organizes or participates in a parade or demonstration that supports a candidate;
 - (b) at a polling place on ordinary polling day or at the advance polling place on advance polling day, posts or displays in, or within two hundred feet of, any wall of the building in which a polling place is situated any literature, emblem, ribbon, flag, sign, banner, card, bill, poster or device that tends to support a candidate;
 - (c) acts, incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of the election;
 - (d) removes, mutilates, defaces or alters any notice or document required by this Act to be posted;
 - (e) having already voted in a municipal election or school board election, either votes or applies to vote in the same election or in another municipal election or school board election that has the same ordinary polling day;
 - (f) contravenes any provision of this Act or of a by-law made pursuant to this Act, for which contravention no penalty is otherwise provided,

is guilty of an offence.

- (2) Where there is a violation of clause (b) of subsection (1) and such violation is brought to the attention of a returning officer, he shall cause the offending devices to be removed and may deduct the cost from the candidate's deposit.

By-law A-400, the *Alternative Voting By-law*

24. No person shall:
- (a) use another person's PIN to vote or access the system unless the person is a friend voter;
 - (b) take, seize, or deprive an elector of his or her PIN; or
 - (c) sell, gift, transfer, assign or purchase a PIN.
25. No person shall:

- (a) interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;
 - (b) interfere or attempt to interfere with alternative voting; or
 - (c) attempt to ascertain the name of the candidate for whom an elector is about to vote
- or has voted.

26. No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

- 26A. No
- (a) candidate,
 - (b) recognized agent, or
 - (c) acting on behalf or in support of a candidate,

shall provide a person with a personal computing device or telephone for the purposes of casting an internet ballot or a telephone ballot.