

**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 1st 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) 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) 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;
- (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 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.

(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 30th day of October, 2018.

Mayor

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.

Kevin Arjoon, Municipal Clerk

Notice of Motion:	September 18, 2018
First Reading:	October 2, 2018
Notice of Public Hearing – Publication:	October 13, 2018
Second Reading:	October 30, 2018
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	November 24, 2018

Amendment# 1

Notice of Motion:	June 4, 2019
First Reading:	June 18, 2019
Notice of Public Hearing – Publication:	June 22, 2019
Second Reading:	July 16, 2019
Approval by Minister of Municipal Affairs:	N/A
Effective Date:	July 20, 2019