

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH
AND NORTH RUSTICO

ELECTION BYLAW

BYLAW No. 2018-3

A Bylaw relating to the rules and procedures for municipal elections in the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

This Bylaw is made under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

1. Title

This Bylaw may be cited and referred to as the "Election Bylaw".

2. Scope

This Bylaw applies to the Council, Employees and Staff of the Resort Municipality, and the public. It operates together with, and as a supplement to, the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1 and the *Municipal Election Regulations* (EC 749 / 17).

3. Definitions

In this Bylaw:

- (a) "Act" means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- (b) "Chief Administrative Officer" means the administrative head of the Resort Municipality as appointed by Council pursuant to subsection 86(2) of the Act.
- (c) "Council" means the mayor and other members of the council of the Resort Municipality.
- (d) "Employee" has the same meaning as in clause 1(k) and in subsection 34(1) of the Act.
- (e) "List of Electors" means the preliminary list of electors, supplementary list of electors or the official list of electors, as the context requires.
- (f) "Municipal Electoral Officer" means the person appointed under section 40 of the Act to be responsible for the administration of the election.
- (g) "Regulations" means the *Municipal Election Regulations* (EC 749 / 17).
- (h) "Resort Municipality" means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

- (i) "Staff" includes the Chief Administrative Officer and all staff of the Resort Municipality, whether full-time, part-time, contract, seasonal or volunteers.
- (j) Except as modified herein, any word or term that is defined in the Act has the same meaning in this Bylaw.

4. Interpretation

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

5. Employee Election Activities

- 5.1 All Employee election activities and all election-related interactions with Employees shall be undertaken in accordance with subsections 35(1) and (2) of the Act.

6. Campaign Contributions and Disclosure

- 6.1 Campaign contributions to registered candidates may only be made by individuals and not by corporations or trade unions.
- 6.2 No individual shall contribute more than \$100.00 to a registered candidate.
- 6.3 No registered candidate for mayor shall incur more than \$500.00 in election expenses.
- 6.4 No registered candidate for councillor shall incur more than \$250.00 in election expenses.
- 6.5 Each registered candidate shall, within 30 days following the election date, file with the Municipal Electoral Officer:
 - (a) a financial report of election expenses, in a form approved by the Municipal Election Officer, accompanied by all invoices, receipts and other vouchers;
 - (b) a list disclosing the candidate's campaign contributions, including the name of each donor and the amount of each donor's contribution; and
 - (c) a written declaration of the candidate stating that, to the best of his or her knowledge, the financial report and the campaign contribution list are true and correct and the candidate has complied with all of the requirements of this Bylaw.

7. List of Electors

- 7.1 The List of Electors for the Resort Municipality shall be established through a system of registration.
- 7.2 A register of electors shall be established and, during the election period, maintained by the Municipal Electoral Officer.
- 7.3 The Municipal Electoral Officer is authorized to establish and maintain the register, and revise the register as necessary, by using all or any of the following sources of information:

- (a) the register established for a previous election, if available;
 - (b) information obtained from conducting an enumeration of electors;
 - (c) information provided by the Chief Electoral Officer of Prince Edward Island that was used to compile lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Prince Edward Island;
 - (d) any other information obtained by or available to the Municipal Electoral Officer.
- 7.4 The Chief Administrative Officer shall be responsible for maintaining the register at any time when no Municipal Electoral Officer is appointed.
- 7.5 The register may be established and revised by means of any computer-based system and may be maintained in printed form or stored in any computer-based system or information storage device that is capable of reproducing any required information in legible form within a reasonable time.
- 7.6 The register shall include, for each elector,
- (a) the elector's
 - (i) legal name,
 - (ii) civic address,
 - (iii) mailing address,
 - (iv) contact information, and
 - (v) date of birth;
 - (b) a unique identification number assigned to the elector by the Municipal Electoral Officer; and
 - (c) another identification number, if one has been assigned to that elector by the Chief Electoral Officer of Prince Edward Island, to assist in distinguishing one person from another or verifying the information about a person.
- 7.7 Electors not appearing on the List of Electors may register at the time of attendance at a voting opportunity if the person is eligible to vote under the Act. Eligibility criteria are specified in Schedule A of this Bylaw.

8. Protection of personal information

- 8.1 Pursuant to section 21 of the Regulations, personal information in an enumeration record in respect of an elector that is collected or obtained for the purpose of an election:
- (a) shall be used only for the purpose for which it was collected or obtained; and
 - (b) shall be disclosed only to the Chief Electoral Officer for a purpose for which the Chief Electoral Officer has responsibility under an enactment.

9. Advance Polls

9.1 An advance poll will be held in accordance with section 45 of the Act and section 43 of the Regulations on the Saturday prior to the municipal election, between the hours of 10 a.m. and 1 p.m.

10. Election Office

10.1 Pursuant to sections 10 and 11 of the Regulations, the election office shall be opened from the fourth Tuesday before the election date until the election is concluded, shall be located at the Resort Municipality's municipal office at 7591 Cawnpore Lane, Cavendish, and shall be open:

- (a) Tuesday, Wednesday and Thursday between the hours of 9 a.m. and 12 p.m.;
- (b) on nomination day, between the hours of 9 a.m. and 2 p.m.; and
- (c) during the advance poll, between the hours of 10 a.m. and 1 p.m.

11. Nominations

11.1 Pursuant to clause 26(4)(a) of the Regulations, the minimum number of nominators required for each nomination is 5.

11.2 Pursuant to clause 26(4)(b) of the Regulations, a nomination deposit is not required.

12. Records

12.1 Records pertaining to the election will be destroyed or retained, as the case may be, in accordance with section 87 of the Regulations.

13. Forms

13.1 Any forms required under the Act or the Regulations shall be enacted as Schedule B to this Bylaw and shall be updated, as required, by resolution of Council.

14. By-elections

14.1 All by-elections will be undertaken in accordance with sections 60 to 62 of the Act and section 5 of the Regulations.

15. Effective Date

15.1 This Election Bylaw, Bylaw No. 2018-3 shall be effective on the date of approval and adoption below.

First Reading:

This Election Bylaw, Bylaw No. 2018-3 was read a first time at the Council meeting held on the 28th day of May, 2018.

This Election Bylaw, Bylaw 2018-3 was approved by a majority of Councillors present at the Council meeting held on the 28th day of May, 2018.

Second Reading:

This Election Bylaw, Bylaw No. 2018-3 was read a second time at the Council meeting held on the 13th day of July, 2018.

This Election Bylaw, Bylaw No. 2018-3 was approved by a majority of Councillors present at the Council meeting held on the 13th day of July, 2018.

Adoption and Approval by Council:

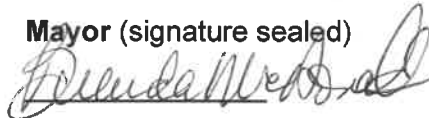
This Election Bylaw, Bylaw No. 2018-3 was adopted by a resolution of Council at the Council meeting held on the 13th day of July, 2018.

This Election Bylaw, Bylaw No. 2018-3 is declared to be passed on the 13th day of July, 2018.

WITNESS the corporate seal of the Resort Municipality.



Mayor (signature sealed)



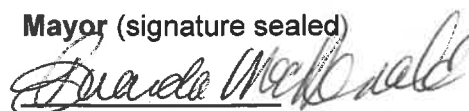
**Chief Administrative Officer
(signature sealed)**

BE IT RESOLVED THAT: Bylaw No. 2018-3, being a bylaw related to the rules and procedures for municipal elections, is hereby enacted as a bylaw of the Resort Municipality and the Chairperson and Chief Administrative Officer be and they are hereby authorized to sign the Bylaw and apply the Resort Municipality's seal thereto.

Dated the 13th day of July, 2018.



Mayor (signature sealed)



**Chief Administrative Officer
(signature sealed)**

Schedule A

Under the Act, the following are eligible to vote during a municipal election:

31. Qualifications of electors

(2) Unless otherwise disqualified, a person is entitled to vote at an election in a municipality if the person

(a) is a Canadian citizen;

(b) is at least 18 years of age, or will attain that age on or before election day;

(c) has resided in the province for at least the six-month period immediately preceding election day; and

(d) is ordinarily resident in the municipality on election day. 2016,c.44,s.31.

32. Qualified elector

(3) A person is entitled to vote in the Resort Municipality if the person

(a) meets the criteria set out in subsection 31(2);

(b) is a non-resident property elector who meets the criteria set out in clauses 31(2)(a) and (b); or

(c) is a person entitled to vote under subsection (5).

32. Non-resident property elector

(1) A person is a non-resident property elector of the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico if the person is not ordinarily resident in the Resort Municipality but is the registered owner of real property in the Resort Municipality on or before election day.

32. Statutory Declaration

(4) A non-resident property elector, or a person who is authorized to vote on behalf of a non-resident property elector pursuant to subsection (5), shall provide to the returning officer a statutory declaration in the form approved by the Minister that confirms the person's qualifications as an elector.

32. Vote of shareholder or member

(5) Where a corporation or an incorporated co-operative association is a non-resident property elector, one voting shareholder or member of the corporation or co-operative association is entitled to vote on behalf of the corporation or co-operative association in accordance with the direction of the majority of the shareholders or members, and the shareholder or member voting shall include proof of the person's entitlement to vote on behalf of the corporation or co-operative association in the person's statutory declaration required under subsection (4).