

DRAFT

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

ELECTION BYLAW

BYLAW No. 2022-_____

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, the *Municipal Election Regulations* (EC 749/17) and the *Campaign Contribution and Election Expenses Bylaw Regulations* (EC 399/18).

3. Definitions

In this Bylaw:

- (a) "Act" means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, as amended from time to time.
- (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) "Chief Electoral Officer" means the Chief Electoral Officer of Prince Edward Island.
- (d) "Council" means the Mayor and other members of the council of the Resort Municipality.
- (e) "Councillor" means a member of the Council, but excludes the Mayor.
- (f) "Election Expense" means an election expense as defined under the Expense Regulations.
- (g) "Election Expense Period" means the election expenses period as defined under the Expense Regulations.
- (h) "Employee" has the same meaning as in clause 1(k) and in subsection 34(1) of the Act.

- (i) "Expense Regulations" means the *Campaign Contribution and Election Expenses Bylaw Regulations* (EC 399/18), as amended from time to time.
- (j) "List of Electors" means the preliminary list of electors, supplementary list of electors or the official list of electors, as the context requires.
- (k) "Mayor" means the mayor of the Resort Municipality's Council.
- (l) "Municipal Electoral Officer" means the person appointed under section 40 of the Act to be responsible for the administration of the election.
- (m) "Regulations" means the *Municipal Election Regulations* (EC 749/17), as amended from time to time.
- (n) "Resort Municipality" means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.
- (o) "Staff" includes the Chief Administrative Officer and all staff of the Resort Municipality, whether full-time, part-time, contract, seasonal or volunteers.
- (p) Except as modified herein, any word or term that is defined in the Act, the Regulations or the Expense Regulations 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. Election Expenses

- 6.1 Election Expenses may only be incurred by or on behalf of a candidate during the Election Expense Period.
- 6.2 Notwithstanding section 6.1, Election Expenses for the preparation of advertising materials and signs may be incurred prior to the Election Expenses Period provided they are recorded and disclosed as Election Expenses in accordance with the provisions of this Bylaw.
- 6.3 No candidate for Mayor shall incur more than \$500.00 in Election Expenses.
- 6.4 No candidate for Councillor shall incur more than \$250.00 in Election Expenses.

7. Campaign Contributions

- 7.1 Campaign contributions to registered candidates may only be made by individuals and not by corporations, organizations or unions.
- 7.2 No individual, including a candidate and the spouse of a candidate, shall contribute more than \$100.00 to any one candidate for Mayor.

7.3 No individual, including a candidate and the spouse of a candidate, shall contribute more than \$100.00 to any one candidate for Councillor.

8. Records and Disclosure

8.1 All candidates for election shall keep complete and proper accounting records of all campaign contributions and all Election Expenses.

8.2 Without limiting the generality of section 8.1 above, all candidates shall 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 of the name and address of the contributor;
- (c) receipts are provided to the contributor for every campaign contribution referred to in clause (b); and
- (d) all records kept in accordance with this section remain in the possession and under the control of the candidate or the candidate's agent at all times.

8.3 Each candidate shall file a disclosure statement of the candidate's campaign contributions and Election Expenses, in writing and in the form approved by the Minister responsible for the administration of the Act, with the Municipal Electoral Officer or, if the Municipal Election Officer is no longer appointed, with the Chief Administrative Officer, within 2 months following the date of a municipal election.

8.4 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 \$250.00;
 - (ii) the cumulative amount that each of the named contributors has given to the candidate;
 - (iii) the cumulative total of all contributions under \$250.00; and
 - (iv) if no contributor's cumulative campaign contribution exceeded \$250.00, 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.
- 8.5 No candidate shall file a false, misleading or incomplete disclosure statement.
- 8.6 No candidate shall accept an anonymous campaign contribution.
- 8.7 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 charity of the candidate's choice that is registered under the *Income Tax Act* (Canada) within 30 days of the receipt of the contribution.
- 8.8 Where a candidate's disclosure statement, filed in accordance with sections 8.3 and 8.4, 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;
 - (b) the contributor requests in writing to the candidate, within 14 days of the candidate's withdrawal, the return of the campaign contribution.
- 8.9 Subject to a refund of a named contributor's campaign contribution pursuant to section 8.8, where a candidate's disclosure statement, filed in accordance with sections 8.3 and 8.4, discloses a surplus of campaign contributions in the form of money, the candidate shall turn over the remaining surplus to the Chief Administrative Officer to be used for municipal purposes.
- 8.10 Election Expenses incurred by a candidate in an election shall not be carried forward to be considered as allowable Election Expenses in a subsequent election.
- 8.11 All documents filed with the Municipal Electoral Officer pursuant to this Bylaw and the Expense Regulations shall, within 2 weeks after the expiration of the 2 month period set forth in section 8.3 for filing the documents, be delivered by the Municipal Electoral Officer to the Chief Administrative Officer.
- 8.12 The Chief Administrative Officer shall retain the documents referred to in section 8.11 in accordance with the Resort Municipality's records retention and disposal schedule established pursuant to section 117 of the Act.
- 8.13 All documents filed with the Municipal Electoral Officer and retained by the Chief Administrative Officer under section 8.12 are public documents and may, on request to the Chief Administrative Officer, be inspected during regular office hours.
- 8.14 The Chief Administrative Officer shall forward a report to Council summarizing the disclosure statement of each candidate, with a notation respecting any candidate who has exceeded the limit on Election Expenses pursuant to section 6.3 or 6.4, and the name of any candidate who failed to file the required disclosure statement pursuant to sections 8.3 and 8.4.
- 8.15 The Chief Administrative Officer shall ensure that the summary referred to in section 8.14 is posted in a conspicuous place in the Resort Municipality or on the Resort Municipality's website for a period of at least 6 months.

- 8.16 The Chief Administrative Officer shall ensure that the filed disclosure statement of each candidate who sought election in the immediately preceding election is posted on the Resort Municipality's website for a period of at least 6 months, whether the candidate was elected or not.
- 8.17 All records of a candidate required to be maintained pursuant to this Bylaw and the Expense Regulations shall be retained by that candidate for not less than 7 years, whether the candidate was elected or not.
- 8.18 The Municipal Electoral Officer, or the Chief Administrative Officer if the Municipal Electoral Officer is no longer appointed, may require a candidate to provide additional information and supporting documentation in respect of the candidate's disclosure statement at any time within the 7 year period referred to in section 8.17, whether the candidate was elected or not.

8.19 Where

- (a) a candidate fails or refuses to provide the additional information and supporting documentation referred to in section 8.18; or
- (b) the Municipal Electoral Officer or Chief Administrative Officer, as the case may be, is not satisfied with the additional information and supporting documentation provided by the candidate;

the Municipal Electoral Officer or Chief Administrative Officer, as the case may be, may refer the matter to Council.

8.20 The Council may:

- (a) determine that no further action is required;
- (b) order the candidate to provide the additional information and supporting documentation required under section 8.18; or
- (c) take any further action the Council considers appropriate.

8.21 An elector of the Resort Municipality may in writing make a complaint that relates to information contained in a candidate's disclosure statement and deliver the complaint to the Municipal Electoral Officer, or the Chief Administrative Officer if the Municipal Electoral Officer is no longer appointed.

8.22 The Municipal Electoral Officer or the Chief Administrative Officer, as the case may be, who receives a complaint from an elector under section 8.21 may:

- (a) determine that no further action is required;
- (b) require the candidate who is the subject of the complaint to provide additional information under section 8.18; or
- (c) refer the matter to the Council to be dealt with under section 8.20.

9. List of Electors

- 9.1 The List of Electors for the Resort Municipality shall be established through a system of registration.
- 9.2 A register of electors shall be established and, during the election period, maintained by the Municipal Electoral Officer.
- 9.3 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.
- 9.4 The Chief Administrative Officer shall be responsible for maintaining the register at any time when no Municipal Electoral Officer is appointed.
- 9.5 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.
- 9.6 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.
- 9.7 Electors not appearing on the List of Electors may register at the time of attendance at a voting opportunity in accordance with the procedures set out in section 44 or 53 of the

Regulations, as the case may be, if the person is eligible to vote under the Act. Eligibility criteria are specified in Schedule A of this Bylaw.

10. Protection of personal information

10.1 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.

11. Advance Polls

11.1 An advance poll will be held in accordance with section 45 of the Act and sections 43 to 48 of the Regulations on the Saturday prior to the municipal election, between the hours of 10 a.m. and 1 p.m.

12. Election Office

12.1 Pursuant to sections 10 and 11 of the Regulations, the election office shall be opened from the fourth Wednesday 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.

12.2 The Municipal Electoral Officer shall include the location and hours of the election office in the notice required under section 42 of the Act.

13. Nominations

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

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

14. Records

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

15. Forms

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

16. By-elections

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

17. Offences and Penalties

17.1 A person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000.00 and, in the case of a continuing offence, the person is liable on summary conviction to a further fine of not more than \$2,000.00 for each day or part of a day during which the offence continues.

17.2 A conviction for an offence referred to in section 17.1 does not relieve the person convicted, including a candidate referred to in section 17.5, from the requirement to comply with this Bylaw.

17.3 The convicting judge may, in addition to any fine imposed, order the person to do any act or work, within the time specified by the judge in the order, to comply with the provisions of this Bylaw.

17.4 Where a candidate who is elected has contravened any provision of this Bylaw and is convicted of an offence in respect of that contravention, the candidate is disqualified from office and shall resign immediately.

17.5 Notwithstanding section 17.4, where, on application by the candidate referred to in section 17.4, a judge of the Supreme Court is of the opinion that the contravention of the candidate arose through inadvertence or by reason of an honest mistake, the candidate is not required to resign.

18. Repeal

18.1 All previous bylaws pertaining to elections in the Resort Municipality, including Bylaw No. 2018-3, are hereby repealed.

19. Effective Date

19.1 This Election Bylaw, Bylaw No. 2022-____ shall be effective on the date of approval and adoption below.

First Reading:

This Election Bylaw, Bylaw No. 2022-____ was read a first time at the Council meeting held on the _____ day of _____, 2022.

This Election Bylaw, Bylaw 2022-____ was approved by a majority of Councillors present at the Council meeting held on the _____ day of _____, 2022.

Second Reading:

This Election Bylaw, Bylaw No. 2022-____ was read a second time at the Council meeting held on the _____ day of _____, 2022.

This Election Bylaw, Bylaw No. 2022-____ was approved by a majority of Councillors present at the Council meeting held on the _____ day of _____, 2022.

Adoption and Approval by Council:

This Election Bylaw, Bylaw No. 2022-____ was adopted by a resolution of Council at the Council meeting held on the _____ day of _____, 2022.

This Election Bylaw, Bylaw No. 2022-____ is declared to be passed on the _____ day of _____, 2022.

WITNESS the corporate seal of the Resort Municipality.

Mayor (signature sealed)

Chief Administrative Officer
(signature sealed)

BE IT RESOLVED THAT: Bylaw No. 2022-____, being a bylaw related to the rules and procedures for municipal elections, is hereby enacted as a bylaw of the Resort Municipality and the Mayor and Chief Administrative Officer be and they are hereby authorized to sign the Bylaw and apply the Resort Municipality's seal thereto.

Dated the ____ day of _____, 2022.

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).