

Election Campaign Finance Accountability

Background Guide

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May 2017

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Introduction

In early 2015 Halifax Regional Council began a conversation on election campaign finance accountability. This conversation resulted in the Province of Nova Scotia (April 2016) making amendments to the Halifax Regional Municipal Charter to allow for a municipal by-law to provide greater clarity on how election campaign finances are administered. Regional Council has directed staff to continue the conversation with the public to gain a better understanding on election campaign finance accountability before drafting a by-law for Council's consideration.

The Halifax Regional Municipality Charter states:

60A) The Council may make by-laws, not inconsistent with Sections 49A and 49B of the Municipal Elections Act (MEA), 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.

In preparing this guide, the jurisdictional scan, and the associated engagement materials, a significant amount of work has been put into researching election finance regulations from across Canada; however, no work to date has been done on a by-law. Currently, staff are in a data collection phase, to get feedback from elected officials, former candidates and the public, all of which will be taken into consideration when crafting a draft a by-law and related recommendations for Council to consider. This background guide has been organized into five themes;

- Who can Contribute
- Maximum Contribution Amount
- Campaign Contribution Timelines
- Maximum Spending Limits
- Disclosure, Expenses, and Surpluses

Jurisdictional Scan

The jurisdictional scan has included election regulations across Canada. There is no one way to set election campaign finance accountability rules. Each jurisdiction is different and over time have built rules to address their regional needs. Based on the complexity and the nuance in the regulations, complex rules have evolved over time. The jurisdictional scan has been separated to compliment five themes discussed in this guide.

Election Campaign Finance Accountability

Chronology

On February 3, 2015, Regional Council, identified the need for greater rigor on how campaign finances are administered, and initiated a process to explore potential legislative options. The following is a chronology on municipal election campaign finance accountability in Halifax Regional Municipality:

- February 3, 2015, Regional Council requested a staff report to examine the legislative options and implications of campaign finance reform.
- September 8, 2015 Regional Council resolved to request that the Province amend the Charter for the authority to enact a campaign finance by-law.
- April 15, 2016, the Provincial Government introduced Bill No. 154 to amend the Charter to grant the Municipality the authority to enact a by-law regarding campaign finance. On May 20, 2016 Bill No. 154 received Royal Assent.
- April 26, 2016, Regional Council, in anticipation of the passing of Bill No. 154, requested that staff initiate a process to consult the public on the issue of campaign financing, and prepare a by-law.
- October 15, 2016 date of the Municipal Election
- December 14, 2016 last campaign finance deadline associated with campaign finances for 2016 Municipal Election.
- February 13, 2017 the Executive Standing Committee received a report regarding the proposed Public Consultation, the recommendation and approach endorsed by Regional Council on March 7, 2017.

Why do the consultation AFTER the 2016 Election?

A review of the Council resolution made on April 2016 was conducted, and a draft timeline produced. The next municipal election was scheduled for October 15, 2016, and the draft timeline demonstrated that it could take several months to conduct meaningful consultation and to compile public comment, and present a by-law for Council. In addition, the Elections Office confirmed that several Official Agent forms (Forms 17 and 17a) had been filed, and therefore it was possible that municipal candidates were already in the process of collecting campaign contributions under the provisions of the MEA.

It was determined that the consultation not be held until after the municipal election to ensure that there was clarity on the rules surrounding campaign finances for the 2016 municipal and school board election. December 14, 2016 was the last deadline associated with campaign finances, the filing the Form 40 Candidates Campaign Contributions Disclosure Statement. In February 2017, Regional Council approved a proposed engagement framework and directed staff to initiate the consultation process.

How does Campaign Finance Accountability relate to Regional Council's Priorities and Priority Outcomes?

On December 6, 2016 Regional Council established its Strategic Planning Framework and Priority Outcomes, which sets the stage for municipal direction and decisions for this four year term of Council. In setting the direction, Regional Council provided Halifax Regional Municipality with the essential components for our collective way forward during the term of Council. After these priorities were set, they were incorporated by Staff into all business unit plans, to ensure that the business of the Corporation supported the priorities of the Council. Throughout the Election Campaign Finance Accountability project, the following priority areas and outcomes of Council will be supported.

Council Priority Area: **Governance and Engagement**

Halifax Regional Municipality governance structures and communications approach provide opportunity for public engagement in and enables appropriate stewardship of municipal affairs. Through its governance and engagement theme, the following are priority outcome statements.

Council Priority Outcome: **Municipal Governance**

- HRM citizens have confidence in the governance structures of the municipality.

Council Priority Outcome: **Communications**

- HRM citizens and community participate in open and transparent communication with the municipality.

Council Priority Outcome: **Public Engagement**

- HRM citizens and communications are engaged in the development of public policy and plans.

Our Starting Point

At present the current rules for municipal election campaign finances are set by the Province of Nova Scotia, and these rules are contained in sections 49A and 49B of the Municipal Elections Act (MEA) of Nova Scotia. The MEA is written with a view to apply to municipalities of all sizes in Nova Scotia and therefore the legislation provides broad provisions on how campaign finances are administered. The following is an excerpt of sections 49A and 49B of the MEA to show the starting point of which the Municipality intends to build from, and are the only sections that are applicable to this review. The Province of Nova Scotia has not updated these sections of the MEA since 2003.

Legislation

Contributions to Candidate or Association

49A (1) In this Section and Section 49B

- a) “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;
 - b) “association” means an association of one or more people established to, a trust established for or a fund established to further the election of the candidate;
 - c) “contributions” 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;
 - d) “spouse” means a person married to another person and, for the purpose of this Section, 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.
- (2) An association shall appoint an agent for the purpose of this Section and shall file the appointment with the clerk or the secretary of a school board.
 - (3) Contributions to a candidate or association shall be made only to the agent.
 - (4) All contributions to a candidate shall be deposited in a separate account and be dealt with separately from the candidate’s personal funds.
 - (5) The agent shall record the full name and residential or business address, other than a post office box address unless that is the only address available, of each contributor together with the amount of the contribution.
 - (6) An agent shall not accept an anonymous contribution in any amount and, if any anonymous contribution cannot be returned to the contributor, it shall be remitted to the treasurer of the municipality or school board.
 - (7) No person shall contribute to any association or candidate funds not beneficially belonging to the person or funds that have been given or furnished to that person by another person for the purpose of contributing those funds unless the person to whom the funds beneficially belong is identified as the contributor or unless the person contributing the funds is the spouse of the person to whom the funds beneficially belong.

- (8) Within sixty days after ordinary polling day in an election, every candidate and agent of an association shall file with the clerk of a municipality or the secretary of a school board a disclosure statement.
- (8A) A disclosure statement must show the full name and residential or business address, other than a post office box unless that is the only address available, of each contributor whose contributions received during the period since the previous election exceed fifty dollars in total and the amount of the total contributions by that contributor.
- (9) Where a trust or fund is established to further the goals of a candidate or association and the trust or fund is not controlled by an association or candidate, the names of contributors to the trust or fund shall be disclosed when a transfer is made from the trust or fund to either an association or candidate.
- (10) Where a contribution or gift of goods or services is made to a candidate or association for the purpose of sale or auction, the value of the contribution is the dollar value at which those goods or services are sold or auctioned.
- (11) A candidate who is not nominated is not required to file a disclosure statement.
- (12) Subject to subsection (11), every candidate who fails to file a disclosure statement within sixty days after ordinary polling day, or who files a false disclosure statement, is guilty of an offence. 1998, c. 18, s. 568; 2003, c. 9, s. 22; 2015, c. 47, s. 9.

Right to examine statement

- 49B
- (1) Any person may examine a disclosure statement respecting contributions to a candidate.
 - (2) Disclosure statements shall be available for examination at any time during regular office hours.
 - (3) A person who examines a disclosure statement may obtain a copy of that statement upon payment of the reasonable cost of copying the statement.
 - (4) The disclosure statement shall be as nearly as may be in the form prescribed by the Minister. 1998, c. 18, s. 568.

To review a full version of the Municipal Elections Act of Nova Scotia, please visit the following web-link:
<http://nslegislature.ca/legc/statutes/municipal%20elections.pdf>

Who Can Contribute?

Current: Any person, or any entity can make a contribution to an election campaign; however third party and anonymous contributions are restricted.

Some of the **main drivers** this portion of the review will center on the following questions:

- Should there be resident requirements, regarding contributors?
- Should corporations/private businesses and unions be eligible?

Key Consideration: Putting restrictions on types of contributors will affect other parts of the review. Too many restrictions may impede some to fully participate in a democratic process.

Individuals

At present, there are no restrictions on individuals contributing financially to campaigns. A possible restriction could be to limit contributors to those who live within a geographic area, for example, Canada, or Nova Scotia, or Halifax Regional Municipality. In restricting contributors to those who reside in a specific area, could help to assure the public that outside interests do not have influence on candidates, potential elected officials, and future policy. A more rigorous restriction could be to limit contributors to only eligible electors within the Municipality.

Corporations/ Unions

Currently there are no restrictions on corporations or unions providing campaign contributions to candidates. A potential revision could be to limit contributions to corporations that have a home base a physical office in Nova Scotia, or to unions who support the bargaining rights of employees in Nova Scotia. Subsequently, this could be refined to include those who have direct ties to Halifax Regional Municipality. In review of the jurisdictional scan findings, some areas have restricted corporations and unions in providing contributions any municipal candidates. In addition, when restrictions are placed, they are customarily placed to both corporations and unions equally. Restrictions could be extended to clearly exclude in-kind contributions, for example use of space and equipment.

Anonymous or Third Party Contributions

Current legislation does not allow for anonymous or third party contributions. Based on the jurisdictional scan there are some jurisdictions that allow for the anonymous contributions. Other jurisdictions have regulations which forbid the collection of anonymous contributions and that if the contribution cannot be returned the candidate must submit the contributed amount to the municipality.

Self-Funded Contributions

At present legislation does not define how self-funded amounts are recognized. The definition of a contribution could be extended to include self-funded amounts as contributions, which could then be subject to limits, and to election campaign timelines. Some jurisdictions have extended self-fund regulations to also include provisions on contributions received from spouses, and family members.

Jurisdiction Highlights

Other Municipal Jurisdictions	Rules and Legislation	
	Eligible Contributor	Ineligible Contributor
British Columbia	<ul style="list-style-type: none"> • There are no restrictions on who can make a contribution. • Contributors are categorized into classes as outlined below and have corresponding rules associated with each: <ul style="list-style-type: none"> ○ Class 1: Individuals ○ Class 2: Corporations ○ Class 3: Unincorporated business/commercial organizations ○ Class 4: Trade unions ○ Class 5: Non-profit organizations ○ Class 6: Other identifiable contributors ○ Class 7: Anonymous 	<ul style="list-style-type: none"> • Anonymous contributor offering more than \$50
Alberta	<ul style="list-style-type: none"> • Any person normally a resident of Alberta is permitted to contribute to any candidate's campaign. • Contributions can be made by Trade Unions and Corporations that conduct business in Alberta. 	<p>Prohibited organizations:</p> <ul style="list-style-type: none"> • a municipality • a corporation that is controlled by a municipality • a non-profit organization that has received since the last general election any of the following from the municipality in which the election will be held: (A) grants, (B) real property, or (C) personal property • a Provincial corporation as defined in the Financial Administration Act, and includes a management body within the meaning of the Alberta Housing Act • a Metis settlement • a school board under the School Act • a public post-secondary institution under the Post-secondary Learning Act • any corporation that does not carry on business in Alberta • any organization designated by the Lieutenant Governor in Council as a prohibited organization

Other Municipal Jurisdictions	Rules and Legislation	
	Eligible Contributor	Ineligible Contributor
Manitoba	<ul style="list-style-type: none"> Only residents of Manitoba can contribute to a municipal campaign 	<ul style="list-style-type: none"> Unions Corporations any other organization (e.g., chamber of commerce, rotary club, etc.). Anonymous contributor
Saskatchewan	<ul style="list-style-type: none"> Individual organization Corporation 	<ul style="list-style-type: none"> Anonymous contributor
Ontario	<ul style="list-style-type: none"> Individuals normally resident in Ontario Candidate Spouse of candidate 	<ul style="list-style-type: none"> Any business Groups such as clubs, associations or ratepayer's groups Federal political party, constituency association, or a registered candidate in a federal election Provincial political party, constituency association, or a registered candidate or leadership contestant Federal or provincial government, a municipality or a school board Corporation Trade Union
Quebec	<ul style="list-style-type: none"> Only an elector in the municipality may contribute. 	<ul style="list-style-type: none"> Legal persons (companies, unions, etc.) are strictly forbidden from making contributions.
New Brunswick	<ul style="list-style-type: none"> There are no restrictions on who can make a contribution. 	No reference in legislation
Nova Scotia	No reference in legislation	<ul style="list-style-type: none"> Anonymous contributor Third party contributors
Prince Edward Island	<ul style="list-style-type: none"> There are no restrictions on who can make a contribution. 	No reference in legislation
Newfoundland	<ul style="list-style-type: none"> Contributions to candidates shall be made only by natural persons individually or by corporations or trade unions, individually. 	No reference in legislation

Maximum Contribution Amounts

Currently: There are no contribution limits.

Some of the **main drivers** to this portion of the review will center on the following questions:

- Should there be maximum contribution amounts for individuals, corporations and unions?
- Should there be contribution limits to Councillors?
- Should there be contribution limits for the Mayor?
- Should there be limits per election cycle?

Key Consideration: In creating limits the amounts applied must be equitable. If placing limits, how should these limits be determined.

Individuals/Corporations/Unions

With no limits on any category of contributor, an option would be to establish contribution levels specific to each group; individual, corporation, union, and self-funded. Some jurisdictions have created maximum contributions limits; however, these vary widely, and would be connected to reasoning associated with local area. In addition, some jurisdictions have established limits to the amount that can be contributed by a contributor to multiple candidates. In limiting the amounts that a contributor could provide, may lend towards greater transparency and increase public trust. Creating limits could help to mitigate perceptions regarding receiving contributions, and the potential to be unduly influenced.

Limits to Mayoral Candidates VS Councillor Candidates

If there are restrictions placed on contributors should these be further refined to be specific to the office that they are contributing to. It could be seen that as mayoral candidates run an at large campaign, the threshold for those candidates accepting contributions could be higher.

Self-Funding

Some jurisdictions have included self-funding in their definition of a contribution. In linking self-funding with contributions, they must be recorded, and are also subject to be capped at a maximum. Spousal and family member contributions could also be subject to these maximum limits.

Public Funding for all Candidates

Some jurisdictions have created funds within their election budgeting processes to provide for a base level of funding for all candidates. These funds would be gathered from municipal taxes or general revenue supported by the tax payer. The policy would determine how it would want the funds distributed, either to those who require assistance (under certain criteria) or equally distributed.

Jurisdiction Highlights

Other Municipal Jurisdictions	Rules and Legislation		
	Eligible Contributions	Ineligible Contributions	Public Financing
British Columbia	<ul style="list-style-type: none"> Anonymous contributions of \$50 or less are allowed <ul style="list-style-type: none"> an individual or organization can only make anonymous contributions of up to \$50 in total per candidate or elector organization. 	<ul style="list-style-type: none"> An anonymous contribution of more than \$50 received by a candidate or elector organization is prohibited and must be remitted in total to Elections BC. 	
Alberta	<ul style="list-style-type: none"> Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed \$5000 in any year. Money paid by a candidate out of the candidate's own funds to the candidate's election campaign shall not exceed \$10 000 in any campaign period. 		

Other Municipal Jurisdictions	Rules and Legislation		
	Eligible Contributions	Ineligible Contributions	Public Financing
Manitoba	<ul style="list-style-type: none"> • The total contribution limit by an individual, in money, goods or services, to any registered candidate for Mayor or councillor at large is \$1,500.00 • The total contribution limit by an individual, in money, goods or services, to any registered candidate for Councillor elected in a ward is \$750.00 • A registered candidate may make a contribution to their own campaign or to the campaign of another registered candidate, but the contribution limit of \$1,500.00 for Mayor and \$750.00 for Councillor applies to the candidate and their spouse. 	<ul style="list-style-type: none"> • Anonymous contributions are prohibited of any value. Monies are given to senior election official to become part of the general funds of the city. 	

Other Municipal Jurisdictions	Rules and Legislation		
	Eligible Contributions	Ineligible Contributions	Public Financing
Saskatchewan	No reference in legislation	<ul style="list-style-type: none"> Anonymous contributions are prohibited of any value. If a candidate receives an anonymous campaign contribution, the candidate shall ensure that the contribution shall not be used or spent, but shall be donated to a registered charity of the candidate's choice within 30 days of the receipt of the contribution. 	
Ontario	<ul style="list-style-type: none"> The maximum total contribution a contributor may make to a candidate for the office of mayor of the City of Toronto is \$2,500. No limits to what a candidate or his/her spouse may contribute to the candidate's campaign. 	<ul style="list-style-type: none"> In general, no contributor may contribute in excess of \$750 to any candidate in an election and no more than \$5,000 to two or more candidates for office on the same council or local board. 	
Quebec	<ul style="list-style-type: none"> The maximum contribution that a voter can make to a party or a candidate is now \$100 in a non-election year. The payment of an additional contribution of \$100 is allowed in a general or by-election. The candidate may, for his own benefit or for 		<ul style="list-style-type: none"> Annual allowance is paid to all political parties in a municipality with a population of 20,000 or more which have obtained at least 1% of the votes in the last general election. An amount of \$2.50 will be provided as additional

Other Municipal Jurisdictions	Rules and Legislation		
	Eligible Contributions	Ineligible Contributions	Public Financing
	<p>the benefit of the party for which he is a candidate, pay an additional amount of \$800 for a total of \$1000.</p> <ul style="list-style-type: none"> Any contribution over \$50 must be made by cheque or by credit card. 		<p>funding to authorized political parties and authorized independent candidates from a municipality with a population of 20,000 or more for each dollar raised as contribution income, up to the amounts provided during a general election year or during a by-election.</p> <ul style="list-style-type: none"> After having received and checked the return of election expenses, the treasurer reimburses, out of the general fund of the municipality, an amount equal to 70% of the election expenses entered in the return of election expenses, incurred and paid pursuant to the Election Act, to a candidate: <ul style="list-style-type: none"> who was elected, or who obtained at least 15% of the votes cast during the election for the position in question.
New Brunswick	No reference in legislation	No reference in legislation	No reference in legislation
Nova Scotia	No reference in legislation	<ul style="list-style-type: none"> Anonymous contributions are prohibited of any value 	No reference in legislation

Other Municipal Jurisdictions	Rules and Legislation		
	Eligible Contributions	Ineligible Contributions	Public Financing
Prince Edward Island	No reference in legislation	No reference in legislation	No reference in legislation
Newfoundland	<ul style="list-style-type: none"> Natural persons individually may in a calendar year make a maximum contribution of \$1,000.00 to a candidate Corporations and trade unions may in a calendar year make a maximum contribution of \$2,000.00 to a candidate. A contribution to a candidate that is made by a person in a calendar year, the total value of which does not exceed \$250.00 is not a contribution for the purposes of this section. 	<ul style="list-style-type: none"> Anonymous contributions over \$250 cannot be used by the candidate in the election but are paid to the City and used to offset the costs of the election. 	No reference in legislation

Campaign Contribution Timelines

Currently: There are no contribution timelines. Contributions can be accepted at any time.

Some of the **main drivers** this portion of the review will center on the following questions:

- Should there be a specific time period?
- Dates to start and stop collecting?
- When should documents be filed with the Municipal Clerk and made public?
- Should timelines be extended to allow for candidates to address deficits?

Key Consideration: In creating a timeline what is the equitable amount of time the average candidate requires to raise contributions for their campaign.

Establishing an Election Campaign Period

Many jurisdictions have created an election campaign period that begins during the year in which an election takes place, and have restricted contributions to be made within the specified times. Establishing a period for when contributions could be collected may help to create a level playing field for all potential candidates. In determining the length of an election period, consideration must be given to providing an reasonable amount of time for candidates to raise funds for their campaign. Most jurisdictions provide for several months to a year of time. Some jurisdictions have chosen to reduce the amount of time for collecting contributions to create a balance between incumbents, established candidates, and new candidates. Some jurisdictions have also provided different timelines for different offices, allowing for Mayoral candidates more time to raise contributions.

In addition to an election campaign start date, a deadline for when contribution collections end is also an important factor to consider. The current requirement is to disclose contributions of \$50.00 or more, 60 days after Election Day with no clear stipulations that a candidate is required to stop collecting contributions. However, if the timeline for collecting contributions ends 60 days after an election, this may lead to a barrier in participating in the electoral process. If there are set times provided for candidates to collect contributions, then affording a longer time after an election to raise funds could create equity amongst candidates.

Filing Documents with the Municipal Clerk

At present, there are some regulations with respect to how candidates appoint an Official Agent, and that the form is filed with the Municipal Clerk/or designate. If the candidate acts as his own agent then there is no requirement to file paper work in advance of nomination to the Clerk (September). In addition, all Official Agent appointment forms filed (in advance of the nomination period) are kept in confidence.

Some jurisdictions have created regulations where a candidate with intentions to run must file paper work with the Clerk/designate before they begin to collect contributions. Across jurisdictions these forms differ based on the how the filing of documents is incorporated into the overall election process. However, the requirement to file paper work indicating a candidates intentions with the Clerk/designate is common. To enhance accountability most jurisdictions post a list of registered candidates on their elections website, as this allows for residents to know which candidates are registered, and who are authorized to collect contributions. If there are any questions on whether a candidate could be soliciting funds, potential contributors could be directed to the registry to verify. The jurisdictional scan demonstrated that in certain areas those who register but do not run may be also required to file paperwork on collected contributions.

Jurisdiction Highlights

Other Municipal Jurisdictions	Rules and Legislation	
	Regular (General) Election	Special (By) Election
British Columbia	<ul style="list-style-type: none"> Begins at the start of the calendar year in which the general local election is held. Ends at the close of voting on General Voting Day. No restrictions on when contributions can be made. 	<ul style="list-style-type: none"> Starts on the day the vacancy of the office occurs. Ends at the close of voting on General Voting Day.
Alberta	<ul style="list-style-type: none"> For a candidate in a general election, the period of time from January 1 immediately following a general election to December 31 immediately following the next general election. 	<ul style="list-style-type: none"> For a candidate in a by-election, the period of time from January 1 immediately following a general election to 60 days immediately following the by-election.
Manitoba	<ul style="list-style-type: none"> Candidates can begin accepting contributions as soon as they are registered. Candidates may spend money and collect contributions during the entire campaign period <p><i>Winnipeg</i></p> <ul style="list-style-type: none"> in the case of a candidate for mayor, beginning on May 1 in the year of the election and ending on March 31 of the year after the election in the case of other candidates, beginning on June 30 in the year of the election and ending on March 31 of the year after the election, 	<p><i>Winnipeg</i></p> <ul style="list-style-type: none"> in an election to fill a vacancy, beginning on the day when the senior election official receives the direction from the city clerk to hold the election and ending on the day that is 90 days after the election;
Saskatchewan	<p><i>Regina</i></p> <ul style="list-style-type: none"> June 1 to December 31 of the election year. <p><i>Saskatoon</i></p> <ul style="list-style-type: none"> January 1 to December 31 of the election year 	<p><i>Saskatoon</i></p> <ul style="list-style-type: none"> in the case of a by-election to fill a vacancy on Council, beginning on the day following the meeting at which Council decides to hold the by-election and ending 10 days following election day
Ontario	<ul style="list-style-type: none"> From the day of nomination until 45 days after voting day. If campaign is in deficit, a candidate may extend period to up to 6 months post voting day. 	<ul style="list-style-type: none"> From the day of nomination until 45 days after voting day. If campaign is in deficit, a candidate may extend period to up to 6 months post voting day.

Other Municipal Jurisdictions	Rules and Legislation	
	Regular (General) Election	Special (By) Election
Quebec	<ul style="list-style-type: none"> • May file an application for authorization with the chief electoral officer as of 1 January of the year during which the election must be held. • The authorization granted to a candidate entitles their official representative to solicit and collect contributions until polling day. • After polling day, the authorization granted to the candidate entitles their representative to solicit and collect contributions only for the purpose of paying the debts arising from the election expenses and to dispose, for political, religious, scientific or charitable purposes or for other purposes of the funds or goods they obtained as a candidate and which remain in their possession. 	<ul style="list-style-type: none"> • May file an application for authorization with the chief electoral officer as of the date on which the office becomes vacant.
New Brunswick	No reference in legislation	No reference in legislation
Nova Scotia	No reference in legislation	No reference in legislation
Prince Edward Island	No reference in legislation	No reference in legislation
Newfoundland	No reference in legislation	No reference in legislation

Maximum Spending Limits

Currently: There are no maximum spending limits on election campaigns.

Some of the **main drivers** this portion of the review will center on the following questions:

- Should there be spending limits?
- Should there be different spending limits for mayoral candidates versus councillor candidates?
- Should there be a formula?
- Should we assign a spending limit by geographical area or population?

Key Consideration: If limits are created, what is reasonable and why?

Campaign Spending Limits

Several jurisdictions have established limits on what a candidate could spend on an election campaign, and in creating limits afford for a more balanced environment for all candidates. The review yielded that when limits are place, at large (mayoral candidates) are provided with larger spending limits, than district/ward council candidates. Creating spending limits in advance can help to create an equal playing field amongst candidates, and provide perspective candidates with an understanding of the breadth of contribution raising that could occur during an election campaign.

Determining Campaign Spending Limits

In creating a spending limit there are different approaches that jurisdictions take to determine a limit. Some provide an amount that is stipulated by legislation and the amount is set by the province or municipal council. Other jurisdictions have created a formula that is determined by providing an amount per each eligible elector or total population. In addition, timing of when an elector/population count is a factor, as there should be sufficient notice to the candidate, and the count should be reflective of current amounts heading towards Election Day. One jurisdiction takes the elector count from the previous election, and then the elector count from a midpoint during the election (the elector list after nominations close), and allowing the higher dollar value to determine the campaign limit. In using elector/total population account it is often connected to a formula that attributes a dollar amount per elector/total population. Some jurisdictions have more complex formulas which include Consumer Price Index and other core variables. Halifax Regional Municipality being a large municipality may also consider factoring geographic size when determining a formula to set campaign spending limits.

Jurisdiction Highlights

Other Municipal Jurisdictions	Rules and Legislation	
	Maximum Limit for Mayor or At-Large	Maximum Limit for Councillor (District/Ward)
British Columbia	<ul style="list-style-type: none"> No campaign contribution limits or restrictions on when contributions can be made or accepted. 	<ul style="list-style-type: none"> No campaign contribution limits or restrictions on when contributions can be made or accepted.
Alberta	No reference in legislation	No reference in legislation
Manitoba	<p><i>Winnipeg</i></p> <ul style="list-style-type: none"> Determined using a formula which includes: <ul style="list-style-type: none"> $M = N \times \\$0.35 \times IE/IB$ M= Maximum spending N = # of electors as per Electoral Officer IE – CPI for Winnipeg for the month two months prior to the commencement of the campaign period IB – Average CPI for Winnipeg for the year 2002 	<p><i>Winnipeg</i></p> <ul style="list-style-type: none"> Determined using a formula which includes: <ul style="list-style-type: none"> $M = N \times \\$0.90 \times IE/IB$ M= Maximum spending N = # of electors in ward as per Electoral Officer IE – CPI for Winnipeg for the month two months prior to the commencement of the campaign period IB – Average CPI for Winnipeg for the year 2002
Saskatchewan	<p><i>Regina</i></p> <ul style="list-style-type: none"> Uses a spending limit where increases are tied to the consumer price index <p><i>Saskatoon</i></p> <ul style="list-style-type: none"> Spending limits are based on a formula linked to the population of the city: <ul style="list-style-type: none"> $MCE = \\$0.75 \times P$ where MCE=mayoralty candidate's expenses, P = total population of City. 	<p><i>Saskatoon</i></p> <ul style="list-style-type: none"> Spending limits are based on a formula linked to the population of the city: <ul style="list-style-type: none"> Councillor can spend 10% of MCE

Other Municipal Jurisdictions	Rules and Legislation	
	Maximum Limit for Mayor or At-Large	Maximum Limit for Councillor (District/Ward)
Ontario	<ul style="list-style-type: none"> In the case of the office of head of council of a municipality, a total amount of \$7,500 plus 85 cents for each elector entitled to vote for the office. There are a number of expense areas that are excluded from the spending limit. 	<ul style="list-style-type: none"> In the case of any other office, a total amount of \$5,000 plus 85 cents for each elector entitled to vote for the office.
Quebec	<ul style="list-style-type: none"> The amount of election expenses incurred by a candidate during an election must not exceed, <ul style="list-style-type: none"> Mayor, \$3,780 + \$ 0.30/elector up to 20,000 electors + \$ 0.51/elector from 20,000 and 100,000 + \$0.38/elector above 100,000 The Government may adjust the amounts according to the formula the Government determines. 	<ul style="list-style-type: none"> Councillor, \$1,890 + \$0.30/elector of the electoral district.
New Brunswick	No reference in legislation	No reference in legislation
Nova Scotia	No reference in legislation	No reference in legislation
Prince Edward Island	No reference in legislation	No reference in legislation
Newfoundland	<p><i>St. John's</i></p> <ul style="list-style-type: none"> Candidates for Mayor - \$10,000 plus \$1.00 for each voter on the voters list. The same limit applies for Deputy Mayor and Councillor at Large candidates. 	<p><i>St. John's</i></p> <ul style="list-style-type: none"> Ward Councillor candidates can spend up to \$10,000 plus \$1.00 for each ward elector.

Disclosure, Reporting and Surpluses

Currently: A candidate must file a Form 40 with the municipality within 60 days of Election Day. The Form 40 must contain a list of all the names and addresses of contributors of \$50.00 or more with the amount contributed. No requirement to provide a list of campaign expenses, no regulations which address how contribution surpluses are dealt with.

Some of the **main drivers** this portion of the review will center on the following questions:

- Should contributions and expenses be shown?
- Should the method of the contribution or expense be listed? Credit Card, Cash or Cheque?
- What should be disclosed about the contributor?
- What counts as eligible expenses?
- Should candidates submit officially audited statements?
- What happens if there is a surplus of a candidate?

Key Considerations: What level of disclosure is an acceptable level. How could surpluses be managed to ensure that it allows for equity and fairness to all candidates.

Reporting on Contributions

At present, there is a requirement for all candidates to provide a candidate campaign contribution disclosure statement. All candidates must complete the form, even if they have self-funded their campaign. The form allows for disclosure for contributions from a contributor that totalling \$50 or more.

At present, there are some jurisdictions that have chosen to disclose higher amounts than \$50 or more, this amount could be revisited to reflect changes in cost of living and inflation. The form currently requires the fields contributor, civic address, contributors, more information could be required such as date the contribution was received, and the method of payment. At the bottom of the disclosure form there is a section for a declaration, should the declaration be a sworn statement attested in front of an election official or a Commissioner of Oaths, such as the Nomination Form or the Form 12, affidavit re removal of advertising materials and return of lists of elections. The format of how the form is produced is contingent on the candidate, should there be electronic forms to help standardize reporting, and with the aim of creating more access to information and open data.

Reporting on Expenses

Currently there are no requirements for a candidate to disclose how much they spent on their campaign. Some jurisdictions have created a form which allows the candidate to demonstrate what was collected and what was spent. This may help contributors and the public understand what their contributions have paid for. Disclosing expenses may help accountability in terms of making the process more transparent, and could help future candidates in understanding the mechanics and inner workings of an effective campaign.

In requiring candidates to provide expenses, the Municipality may also be required to define what an acceptable election expense is and have clear definitions of in-lieu donations and standardize how they are calculated. In addition, this form may have to take into consideration assets of the campaign that may be reused from campaign to campaign, such as lawn signs, and payments to keep web domain names from one election period to another.

Audited Statements

Some jurisdictions have provided regulations to specify that if campaign expenses or the contributions received total more than a prescribed amount they must have an auditor review their financial statement and provide a report. It is further stipulated that an auditor's report must be prepared by an auditor licensed under the Public Accountants Act (provincial legislation).

Surpluses

At present, there are no provisions regarding how a contribution surplus is handled. In reviewing the jurisdictional scan, several different approaches can be taken with respect to how these funds are dealt with. Most jurisdictions have rules in place in which the municipality will hold the funds in trust and will release when the appropriate paper work is filed by the candidate with the Clerk/designate with intentions to run for office in the upcoming election. Other municipalities note that a surplus is provided to the Clerk's Office. At present, several jurisdictions do not have any provisions regarding how to handle surpluses.

Jurisdiction Highlights

Other Municipal Jurisdictions	Rules and Legislation		
	Disclosure on Contributions	Reporting on Expenses	Surpluses
British Columbia	<ul style="list-style-type: none"> • A disclosure statement must show all campaign contributions, election expenses, transfers, surplus funds and other transactions related to an election. • Must be submitted within 90 days after voting day. 	<ul style="list-style-type: none"> • A disclosure statement must show all campaign contributions, election expenses, transfers, surplus funds and other transactions related to an election. • Must be submitted within 90 days after voting day. 	<ul style="list-style-type: none"> • If the surplus is \$500 or more, the financial agent must pay the total amount of the surplus campaign funds to the jurisdiction in which the candidate's election was held. • The jurisdiction holds the funds, plus accumulated interest, in trust. <ul style="list-style-type: none"> ○ If the candidate seeks office in the same jurisdiction in the next general local election or an earlier by-election, the jurisdiction must pay those funds to the candidate's financial agent to use in the election. ○ If the candidate does not run for office in the same jurisdiction in the next general local election the surplus campaign funds become funds of the jurisdiction to be used at its discretion.

Other Municipal Jurisdictions	Rules and Legislation		
	Disclosure on Contributions	Reporting on Expenses	Surpluses
Alberta	<ul style="list-style-type: none"> • Candidates must file disclosure statements on or before March 1 immediately following the election. • Disclosure statements must include: <ul style="list-style-type: none"> ○ the total amount of all campaign contributions received during the campaign period that did not exceed \$100 in the aggregate from any single contributor, ○ the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$100 in the aggregate, ○ financial statement setting out the total amount of revenue and expenses. 	<ul style="list-style-type: none"> • Candidates must file disclosure statements on or before March 1 immediately following the election. • Disclosure statements must include: <ul style="list-style-type: none"> ○ the total amount of money paid by the candidate out of the candidate's own funds ○ financial statement setting out the total amount of revenue and expenses. 	<ul style="list-style-type: none"> • Candidates must file disclosure statements on or before March 1 immediately following the election. • Disclosure statements must include: <ul style="list-style-type: none"> ○ the total amount of any campaign surplus, including any surplus from previous campaigns • If a candidate's disclosure statement shows a surplus, the candidate shall pay the surplus to the municipality. The municipality shall hold any money received in trust for the candidate at a financial institution.

Other Municipal Jurisdictions	Rules and Legislation		
	Disclosure on Contributions	Reporting on Expenses	Surpluses
Manitoba	<ul style="list-style-type: none"> • Election Finance Statement must include all contributions received and expenses incurred. • Any candidate who is elected and fails to file an audited financial statement by July 19, 2015 forfeits their seat on Council. (Post 2014 Election) • Any candidate who fails to file their financial statement is disqualified from being nominated as until after the next Civic Election. 	<ul style="list-style-type: none"> • Election Finance Statement must include all contributions received and expenses incurred. 	<ul style="list-style-type: none"> • Any surplus showing on a candidate's Election Finance Statement must be turned over to the municipality. • The municipality will return the funds to the candidate if the individual registers as a candidate in the next general election. • If the individual chooses not to run, the money will be transferred to the general funds of the municipality.
Saskatchewan	<p><i>Regina</i></p> <ul style="list-style-type: none"> • Within 90 days – Mayor all contributors > \$500. • Councillors – all contributors > \$200. <p><i>Saskatoon</i></p> <ul style="list-style-type: none"> • File a Statement of Election Expenses/Contributions with names of contributors who gave more than \$250.00 	<p><i>Regina</i></p> <ul style="list-style-type: none"> • Summary of all election expenses <p><i>Saskatoon</i></p> <ul style="list-style-type: none"> • File a Statement of Election Expenses/Contributions with names of contributors who gave more than \$250.00 	<p><i>Regina</i></p> <ul style="list-style-type: none"> • Held in trust account <p><i>Saskatoon</i></p> <ul style="list-style-type: none"> • Disclose how surplus will be used in a Statutory Declaration

Other Municipal Jurisdictions	Rules and Legislation		
	Disclosure on Contributions	Reporting on Expenses	Surpluses
Ontario	<ul style="list-style-type: none"> • A financial statement and auditor's report must be filed by 2pm, 75 days post voting day. • If a candidate files nomination papers, they must file disclosure statements regardless whether they withdrew their nomination. • Campaign contributions (including contributions from candidate or campaign expenses are greater than \$10,000 require the financial statement be audited and include the auditor's report filed with the clerk. 	<ul style="list-style-type: none"> • Campaign expenses greater than \$10,000 require the financial statement be audited and include the auditor's report filed with the clerk. 	<ul style="list-style-type: none"> • Paid to the clerk and held in trust for the candidate for post election expenses (recount, an application for a controverted election, or a compliance audit). Otherwise – it becomes property of the municipality. • A candidate is permitted to carry forward a deficit to their next campaign if they run again for an office on the same council or school board in the next general election. The campaign deficit exists on paper. Candidates are still obligated to pay any vendors owed.
Quebec	<ul style="list-style-type: none"> • The Chief Electoral Officer shall have access to all the books, accounts and documents relating to the financial business of the parties and candidates. • At the request of the Chief Electoral Officer, parties or candidates must furnish any information required for the purposes of this chapter within 30 days. • Every person who becomes a candidate in an election for the office of mayor or for another office as a councillor of a municipality with fewer than 5,000 inhabitants must, in the 90 days 	<ul style="list-style-type: none"> • Every person who becomes a candidate in an election for the office of mayor or for another office as a councillor of a municipality with fewer than 5,000 inhabitants must, in the 90 days following polling day, provide the treasurer with a list of the people who made one or more gifts to him or her. <ul style="list-style-type: none"> ○ The list must indicate the amount or total of the amounts paid by the candidate out of his or her own property, where 	

Other Municipal Jurisdictions	Rules and Legislation		
	Disclosure on Contributions	Reporting on Expenses	Surpluses
	<p>following polling day, provide the treasurer with a list of the people who made one or more gifts to him or her.</p> <ul style="list-style-type: none"> ○ The list must show the name and full address of each natural person who gave an amount of more than \$50, or several amounts totalling more than \$50. ○ It must also show the amount paid by each person, the method(s) of payment used, and the number of payments where applicable. • All gifts of more than \$50 must be made by a cheque drawn on the personal account of the donor. 	<p>the total exceeds \$50, as well as the total amount of gifts of \$50 or less received by the candidate.</p> <ul style="list-style-type: none"> • Within the 90-day period, the candidate must send the returning officer a return of all expenses relating to his or her election, in the form prescribed by the Chief Electoral Officer • The content of the return must contain the name and full address of each supplier, a description of the goods or services supplied, and the amount paid. It must also show all expenses paid by the candidate. 	
New Brunswick	No reference in legislation	No reference in legislation	No reference in legislation
Nova Scotia	No reference in legislation	No reference in legislation	No reference in legislation
Prince Edward Island	No reference in legislation	No reference in legislation	No reference in legislation

Other Municipal Jurisdictions	Rules and Legislation		
	Disclosure on Contributions	Reporting on Expenses	Surpluses
Newfoundland	<p><i>St. John's</i></p> <ul style="list-style-type: none"> Candidates for Mayor - \$10,000 plus \$1.00 for each voter on the voters list. The same limit applies for Deputy Mayor and Councillor at Large candidates. 	<p><i>St. John's</i></p> <ul style="list-style-type: none"> Ward Councillor candidates can spend up to \$10,000 plus \$1.00 for each ward elector. 	

Province of Nova Scotia

Jurisdiction Highlights

Contributions	Eligible Contributors <ul style="list-style-type: none"> Individuals 	Ineligible Contributors <ul style="list-style-type: none"> Organizations (i.e., corporation, partnership, or trade union) Anonymous contributors 	
Maximum Contribution Amounts	Eligible Contributions <p>There are two types of limitations related to contributions.</p> <ol style="list-style-type: none"> Official agents cannot accept more than \$100 in cash from any contributor in a calendar year. Individuals cannot contribute more than \$5,000 to a registered party, its electoral district associations and its candidates in a calendar year. This includes both monetary and non-monetary donations. <p>Exemption Limit</p> <ul style="list-style-type: none"> An individual is exempt from reporting up to \$50 in donations in kind in a calendar year. However, the official agent must track all donation in kind contributions to ensure an individual does not exceed this limit. 	Ineligible Contributions <ul style="list-style-type: none"> Anonymous contributions are prohibited of any value. If the donor cannot be identified, the contribution must be remitted to the Chief Electoral Officer who will transfer it to the Minister of Finance. 	Public Funding <ul style="list-style-type: none"> Each fiscal year the Chief Electoral Officer shall cause to be paid out of the General Revenue Fund to each registered party one dollar and fifty three cents (\$1.53) for each vote received by candidates endorsed by that registered party in the most recent general election.

Campaign Contribution Timelines	Regular (General) Election	Special (By) Election
	<ul style="list-style-type: none"> Contributions can be received from the time the candidate becomes a registered candidate until the close of the polls on election day. Candidates may register using Form 1-1 at any time with Elections Nova Scotia. 	<ul style="list-style-type: none"> Contributions can be received from the time the candidate becomes a registered candidate until the close of the polls on election day. Candidates may register using Form 1-1 at any time with Elections Nova Scotia.
Maximum Spending Limits	<ul style="list-style-type: none"> \$5.72 per elector in respect of not more than 5,000 electors; \$4.86 per elector in respect of the number of electors in the electoral district in excess of 5,000 electors and not in excess of 10,000 electors; \$4.29 per elector in respect of the number of electors in the electoral district in excess 10,000 electors. Since the amounts above are adjusted according to the Nova Scotia consumer price index, they will change from election to election. When a writ is issued, the Chief Electoral Officer will calculate the spending limit for each electoral district and those spending limits will be posted on the Elections Nova Scotia website. 	

Disclosure, Reporting and Surpluses	Disclosure on Contributions	Reporting on Expenses	Surpluses
	<ul style="list-style-type: none"> • Monetary and fundraising contributions and statement of donations must be completed and filed as part of the election report. The official agent must provide the full name and residential address of contributors who make cumulative contributions (includes all types of contributions) equal to or exceeding \$200. • In a non-election year, the disclosure statement is due on March 31. • The Chief Electoral Officer is required by law to publish a disclosure statement of the contributors within 120 days of the return of the writ. This disclosure statement is used to comply with the Act. 	<ul style="list-style-type: none"> • Number of reports that vary from: <ul style="list-style-type: none"> ○ Report declaration and overview ○ Summary of Election Expenses ○ Candidate's Balance Sheet ○ Candidate's Statement of Cash Flow 	<ul style="list-style-type: none"> • Candidate's campaign account cannot be left open between elections • Where the political affiliation of the candidate is shown on the ballot paper as a registered party, the excess contributions are transferred to: <ul style="list-style-type: none"> ○ the candidate's electoral district association; ○ in the case that no electoral district association has been established, the official agent of the candidate's registered party. • If the candidate is an independent candidate (not affiliated with a registered party) excess contributions must be conveyed to the Minister of Finance by cheque or money order via the Chief Electoral Officer.

Next Steps, the By-law Adoption Process

Step 1 – Information Gathering Stage – Month of June

Staff are currently in the information gathering stage, and has engaged a third-party consultant to help record and present the information. There will be several opportunities to participate in discussions and contribute.

Step 2 – Report Writing/ Approval Process

Staff will take the comments received and start to draft a report and a by-law for Council's consideration. Elections Office staff will work closely with Legal Services staff to prepare the documentation. The draft documentation will then be subject to internal review with input from other departments within the Corporation. The draft report will be signed off by the Municipal Solicitor and the Chief Administrative Officer.

Step 3 - Executive Standing Committee

A staff report containing a draft by-law and a summary of public comment will be provided to the Executive Standing Committee by end of 2017. At that time, there will be an opportunity for interested residents to attend the Executive Standing Committee meeting or view online through halifax.ca. In addition, residents will have an opportunity to provide feedback by way of written correspondence to the Committee or attend and speak at the meeting.

Step 4 - Council Agenda Process

In advance of the matter being provided to Council, Council must provide Notice of Motion, seven days prior to the matter being formally introduced at Council. The report and associated recommendation is then presented to Regional Council, and formally listed on the agenda, with a recommendation of first reading, to initiate the by-law process.

Step 5 - Regional Council First Reading

At the meeting, Regional Council will pass a motion and it is during this item that Regional Council could authorize a public hearing. In passing first reading staff would be then directed to issue a public notice in a newspaper of general circulation and allow for 14 days' notice before bringing the item back to Regional Council.

Step 6 - Regional Council Second Reading

A second meeting of Regional Council would be required, and at that time the second reading of the by-law would be passed. The approved by-law would be signed by the Municipal Clerk and Mayor, the decision and by-law would then be final.

Join the Conversation

Throughout the month of June Municipal Staff will be reaching out to the public to garner public consultation on Election Campaign Finance Accountability. For your comments to be included in the draft by-law and report to the Executive Standing Committee comments must be received by June 30, 2017. There are several ways to participate, see below for further details.

IN PERSON – there will be three in person opportunities to provide input during the data collection period in crafting the by-law. These opportunities will be on the following days:

- Wednesday June 7, 2017 – Harbour East Marine Drive Community Council Chambers (Alderney Gate, Dartmouth)
- Wednesday June 14, 2017 – Halifax Hall in City Hall (Halifax)
- Thursday June 22, 2017 – Youth/Senior Room in the Bedford-Hammonds Plains Community Centre (Bedford)

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