

Rural Municipality of North Shore, PEI
A Bylaw for Municipal Elections Proceedings
Bylaw # 2018– 07

BE IT ENACTED by the Council of the Rural Municipality of North Shore as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1.1 This bylaw shall be known and cited as the “Elections Bylaw.”

2. Purpose

2.1 The purpose of this bylaw is to establish the rules and procedures for municipal elections.

3. Authority

3.1 This bylaw is adopted pursuant to Part 3 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, the Municipal Election Regulations, and the Campaign Contributions and Election Expenses Bylaw Regulations.

4. Application

4.1 This bylaw applies to the Mayor and all members of Council, municipal employees, and the public. It operates together with, and as a supplement to, the *Municipal Government Act* and applicable regulations.

5. Definitions

5.1 In this bylaw, any word and term that is defined in the *Municipal Government Act*, the Municipal Election Regulations, or the Campaign Contributions and Election Expenses Bylaw Regulations has the same meaning as in that Act or regulations.

5.2 “Act” means the *Municipal Government Act*.

5.3 “Campaign Financing Regulations” – means the Campaign Contributions and Election Expenses Bylaw Regulations.

5.4 “Campaign Contribution” – means any money paid, or any donation in kind provided, to or for the benefit of a candidate during the election contribution period for the purpose of financing an election campaign, including revenue raised from a fundraising event by the sale of tickets or otherwise, but does not include volunteer labour or services.

5.5 “Campaign Contribution Period” – means the same period of time as the elections expenses period for a particular candidate or person who has declared an intention to become a candidate.

5.6 “Candidate” - means a person nominated in accordance with Part 3, Division 8, of the Act, and for the purposes of the provisions of this bylaw pertaining to campaign contributions and election

expenses, includes a person who has declared an intention to run as a candidate in accordance with clause 2(1)(a) of the Campaign Contributions and Election Expenses Bylaw Regulations.

5.7 “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by council under clause 86(2)(c) of the Act.

5.8 “Council” means the mayor and other members of the council of the municipality.

5.9 “Councillor” means a member of council other than the mayor.

5.10 “Election Expense” - means the cost of goods and services, and the value of any donation in kind, used by or for the benefit of the candidate for the purpose of a candidate’s election campaign, but does not include audit fees or volunteer labour or services.

5.11 “Election Expenses Period” – means the period in an election year beginning when a person publicly declares the person’s intention to run as a candidate for municipal office, whether in person or by electronic means, and ending, in the case of an election, on the earlier of election day, and the declaration by the municipal electoral officer that the candidate is elected. In the case of a by-election, the election expenses period means the date when council sets the election day and ends on the earlier of election day, and the declaration by the municipal electoral officer that the candidate is elected.

5.12 “Election Regulations” – means the Municipal Election Regulations.

5.13 “Employee” means, except as provided elsewhere in the Act, a person who performs work for a municipality for pay, and includes a person on leave from employment with a municipality, a person being trained by a municipality to perform work for the municipality, a person retained under an employment contract to perform work for the municipality, and (iv) any other person or class of person designated as an employee by the Minister, but does not include an independent officer. In Part 3 respecting candidacy for election, employee also means any employee of a controlled corporation, but does not include a volunteer firefighter who is not otherwise employed by the municipality.

5.14 “List of Electors” means the preliminary list of electors, supplementary list of electors or the official list of electors, as the context requires;

5.15 “Municipal Electoral Officer” means the person appointed under section 40 of the Act to be responsible for the administration of the election.

6. Interpretation

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

Part II –Employee Election Activities

7. General

7.1 All employee election activities and interaction with employees relating to elections shall be undertaken in accordance with subsections 35(1) and (2) of the Act.

8. **Class of restricted employees**

8.1 Pursuant to subsection 35(3) of the Act, the following employee positions shall form a class of restricted employees who shall not engage in any form of municipal political activity at any time:

- (a) Chief Administrative Officer

Part III – Campaign Contributions and Election Expense Disclosure

9. **Election Expenses**

9.1 Pursuant to clause 2(1)(a) of the Campaign Financing Regulations and effective January 1, 2019, in the case of an election, the election expenses period is the period in an election year beginning when a person publicly declares their intention to run as a candidate (in person or by electronic means) and ending on the election day or the declaration that the candidate is elected, whichever is earlier.

9.2 Pursuant to clause 2(1)(b) of the Campaign Financing Regulations and effective January 1, 2019, in the case of a by-election, the election expenses period is the period beginning when Council sets the date of the election day and ending on the earlier of election day and the declaration that the candidate is elected.

9.3 Pursuant to subsection 2(2) of the Campaign Financing Regulations and effective January 1, 2019, election expenses shall only be incurred by or on behalf of a candidate during the election expenses period.

9.4 Pursuant to subsection 3(1) of the Campaign Financing Regulations and effective January 1, 2019, the maximum allowable election expenses of a candidate for mayor is \$10,000].

9.5 Pursuant to subsection 3(2) of the Campaign Financing Regulations and effective January 1, 2019, the maximum allowable election expenses of a candidate for councillor is \$5,000].

9.6 Pursuant to section 10 of the Campaign Financing Regulations, election expenses incurred by a candidate in an election shall not be carried forward to be considered as an allowable election expenses in a subsequent election.

10. **Campaign Contributions**

10.1 Effective January 1, 2019, campaign contributions shall only be received by a candidate during the campaign contribution period as defined in the Campaign Financing Regulations.

10.2 Pursuant to subsection 4(1) of the Campaign Financing Regulations and effective January 1, 2019, the following may contribute to a candidate's campaign in an election or by-election:

- (a) an individual;

10.3 Pursuant to subsection 4(2) of the Campaign Financing Regulations and effective January 1, 2019, contributor shall not make a contribution exceeding \$1,575 to any one candidate for Mayor in an election.

10.4 Pursuant to subsection 4(3) of the Campaign Financing Regulations and effective January 1, 2019, contributors shall not make a contribution exceeding \$1,575 to any one candidate for Councillor in an election.

10.5 Pursuant to subsection 4(4) of the Campaign Financing Regulations and effective January 1, 2019, neither a candidate nor that candidate's spouse shall make a contribution to that candidate's own election campaign exceeding \$1,575.

10.6 Pursuant to subsection 8(1) of the Campaign Financing Regulations, no candidate shall accept anonymous campaign contributions.

10.7 Pursuant to subsection 8(2) of the Campaign Financing Regulations, 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 registered charity of the candidate's choice within 30 days of receipt of the contribution.

11. Candidate Records

11.1 Pursuant to subsection 5(1) of the Campaign Financing Regulations, a candidate shall keep complete and proper accounting records of all campaign contributions and election expenses.

11.2 Pursuant to subsection 5(2) of the Campaign Financing Regulations, a candidate must 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 the name and address of the contributor;
- (c) receipts are provided to the contributor for every campaign contribution referred to in section 11.2(b) of this bylaw; and
- (d) all records kept in accordance of this section remain in the possession and under control of the candidate or the candidate's agent at all times.

12. Candidate Disclosure: Filing and Records Retention

12.1 Pursuant to subsection 6(2) of the Campaign Financing Regulations, a candidate shall file a disclosure statement of the candidate's campaign contributions and election expenses, listing all campaign contributions and all elections expenses.

12.2 The disclosure statement shall be in writing in the form approved by the Minister, and shall be filed with the Municipal Electoral Officer within two months following the date of a municipal election.

12.3 If the MEO is no longer appointed, the candidate shall file the disclosure statement with the CAO.

12.4 Pursuant to subsection 6(3) of the Campaign Financing Regulations, 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
 - (ii) the cumulative amount that each of the named contributors has given to the candidate;
 - (iii) the cumulative total of all contributions under \$250;
 - (iv) If no contributor's cumulative campaign contribution exceeded \$250, 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.

12.5 Pursuant to section 7 of the Campaign Financing regulations, no candidate shall file a false, misleading or incomplete disclosure statement.

12.6 Pursuant to subsection 9(1) of the Campaign Financing Regulations, where a candidate's disclosure statement filed in accordance with 12.1 of the bylaw 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; and
- (b) the contributor requests in writing to the candidate, within 14 days of the candidate's withdrawal, the return of the campaign contribution.

12.7 Subject to a refund of a named contributor's campaign contribution pursuant to subsection 12.6 of this bylaw, where a candidate's disclosure statement filed in accordance with 12.1 of the bylaw discloses a surplus of campaign contributions in the form of money, the candidate shall turn over the remaining surplus to the CAO to be used for municipal purposes.

12.8 Pursuant to subsection 11 (1) of the Campaign Financing Regulations, all documents filed with the municipal electoral officer shall be delivered by the municipal electoral officer to the chief administrative officer of the municipality within two weeks after the time specified in section 12(2) of the bylaw for filing the documents.

12.9 Pursuant to subsection 11(2) of the Campaign Financing Regulations, the CAO shall retain the documents referred to in 12.8 of this bylaw in accordance with the records retention and disposal schedule of the municipality that is established pursuant to section 117 of the Act.

12.10 Pursuant to subsection 11(3) of the Campaign Financing Regulations, all documents filed with the MEO and retained by the CAO under section 12.9 of this bylaw are public documents and may, upon request, be available for inspection on request to the CAO during regular officer hours.

12.11 Pursuant to subsection 12(1) of the Campaign Financing Regulations, a candidate, whether elected or not, shall retain all records required pursuant to the regulations for no less than seven years.

12.12 Pursuant to subsection 12(2) of the Campaign Financing Regulations, the MEO, or the CAO if the MEO is no longer appointed, may require a candidate (whether elected or not) to provide additional information and supporting documentation in respect of the candidate's disclosure statement at any time within the seven-year period referred to in section 12.11 of this bylaw.

13. Reporting

13.1 Pursuant to subsection 11(4) of the Campaign Financing Regulations, the CAO shall forward to Council a report summarizing the disclosure statement of each candidate, noting any candidate who has exceeded the limit on election expenses pursuant to sections 9.5 and 9.6 of this bylaw and the name of any candidate who failed to file the required disclosure statement.

13.2 Pursuant to subsection 11(5) of the Campaign Financing Regulations, the CAO shall ensure that the summary referred to in section 13.1 of this bylaw is posted in a conspicuous place in the municipality and on the website of the municipality for a period of at least 6 months.

13.3 Pursuant to subsection 11(6) of the Campaign Financing Regulations, the CAO shall ensure that the filed disclosure statement of each candidate who sought election in the immediately preceding election (whether elected or not) is posted on the website of the municipality for a period of at least 6 months.

14. Complaints & Compliance

14.1 Pursuant to subsection 12(3) of the Campaign Financing Regulations, where:

- (a) a candidate fails or refuses to provide the additional information and supporting documentation referred to in section 12.12 of the bylaw; or
- (b) the MEO or CAO, as the case may be, is not satisfied with the additional information and supporting documentation provided by the candidate;

The MEO or CAO, as the case may be, refer the matter to Council.

14.2 Pursuant to subsection 12(4) of the Campaign Financing Regulations, 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 12.12 of the bylaw; or
- (c) take any further action the Council considers appropriate.

14.3 Pursuant to subsection 12(5) of the Campaign Financing Regulations, an elector of the municipality may in writing make a complaint that relates to information contained in a candidate's

disclosure statement and deliver the complaint to the MEO, or the CAO if the MEO is no longer appointed.

14.4 Pursuant to subsection 12(6) of the Campaign Financing Regulations, the MEO or the CAO, as the case may be, who receives a complaint from an elector under section 14.3 of this bylaw 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 12.12 of the bylaw, or
- (c) refer the matter to Council to be dealt with under section 14.2 of this bylaw.

15. Offences and Penalties

15.1 Pursuant to subsection 13(1) of the Campaign Financing Regulations, a person who contravenes a provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of up to \$2,000.

15.3 Pursuant to clause 13(2)(a) of the Campaign Financing Regulations, a conviction for an offence referred to in section 15.1 of this bylaw does not relieve the person convicted, including a candidate referred to in section 14.2(b) of this bylaw, from the requirement to comply with this bylaw.

15.4 Pursuant to clause 13(2)(b) of the Campaign Financing Regulations, 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.

15.5 Pursuant to subsection 14(1) of the Campaign Financing Regulations, 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.

Part IV – Wards

16. Wards

16.1 Pursuant to sections 38 and 39 of the Act, councillors for the Rural Municipality of North Shore will be elected on a ward basis.

16.2 There shall be 6 wards, with 1 councillor elected per ward.

16.3 The boundaries of each ward in the Rural Municipality of North Shore are as described and shown on the ward maps contained in Schedule A of this bylaw.

16.4 Should a conflict exist between a description and the ward map contained in Schedule A, the map shall take precedence.

16.5 Pursuant subsection 39(4) of the Act, the number of electors in each ward shall be comparable, and in no case shall the number of electors in a ward be more than ten per cent above or below the average number of electors in all of the wards.

16.6 Pursuant to subsection 39(5) of the Act, each ward shall have at least one polling division.

16.7 Pursuant to subsection 39(6) of the Act, Council shall establish and appoint an Electoral Boundaries Commission within ninety days following Election Day of each third scheduled election after December 23, 2017 to review the wards and make a report to council setting out its recommendations as to the area, boundaries and names of the wards.

16.8 The Electoral Boundaries Commission shall complete its review within three (3) months of its appointment.

PART V – List of Electors

17. Procedure for Establishing a List of Electors

17.1 Agreement with Elections PEI

17.2 Pursuant to section 41 of the Act, the Council of the Rural Municipality of North Shore shall enter into an agreement with the Chief Electoral Officer of Prince Edward Island to obtain data to be used in preparation of a list of electors.

17.3 The Municipal Electoral Officer may supplement the information obtained from the agreement with the Chief Electoral Officer of Prince Edward Island with information from any source that, in the opinion of the Chief Electoral Officer, is relevant to ensuring the list of electors is accurate.

18. Voters Not on List

18.1 Pursuant to subsection 45(2) of the Election Regulations, electors not appearing on the official list of voters may register at the time of attendance at a voting opportunity if the person is eligible to vote under the Act.

Part V – Advance Polls

19. Advance polls

19.1 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 10:00 am and 1:00 pm.

Part VIII – Administering the Election

20. Location of office - North Shore Community Centre - 2120 Covehead Road, West Covehead

20.1 Pursuant to sections 10 and 11 of the Election Regulations, the election office shall be opened from the fourth Tuesday before the election at the municipal office, located at 2120 Route 25, West Covehead, and shall be open from 9:00 am - 4:00 pm on Tuesday's and Wednesday's.

21. Nominations

21.1 Pursuant to subsection 26(4)(a) of the Municipal Election Regulations, the minimum number of nominators required for each nomination shall be 5. Nominators must be qualified electors and where there are wards, must be resident of the ward.

22. Records

22.1 Records pertaining to the election will be destroyed or retained, as the case may be, in accordance with section 87 of the Election Regulations and the records retention bylaw, and where such a bylaw has not yet been enacted the records will be retained for at least 7 years.

Part VII – By-Elections

23. By-elections

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

Part VII – Approval and Adoption

24. Repeal of Existing Bylaw

24.1 On adoption, this bylaw replaces Bylaw #2 Community Election Procedures

25. Effective Date

25.1 This Elections Bylaw, Bylaw# 2018-07, shall be effective on the date of approval and adoption below.

First Reading:

This Elections Bylaw, Bylaw# 2018-07, was read a first time at the Council meeting held on the 8th day of August, 2018.

This Elections Bylaw, Bylaw# 2018-07, was approved by a majority of Council members present at the Council meeting held on the 8th day of August, 2018.

Second Reading:

This Elections Bylaw, Bylaw# 2018-07, was read a second time at the Council meeting held on the 12th day of September, 2018.

This Elections Bylaw, Bylaw# 2018-07, was approved by a majority of Council members present at the Council meeting held on the 12th day of September, 2018.

Approval and Adoption by Council:

This Elections Bylaw, Bylaw# 2018-07, was adopted by a majority of Council members present at the Council meeting held on the 12th day of September, 2018.

26. Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Elections Bylaw adopted by the Council of the Rural Municipality of North Shore on the 12th day of September 2018 is certified to be a true copy.

Chief Administrative Officer Signature

Date

Schedule A – Wards

Ward Descriptions- Post Restructuring of North Shore, Pleasant Grove and Grand Tracadie

Ward # 1 - Includes all civic addresses on Union Road, Black River Road, MacMillan Point Road, Shoreline Drive, Sunset Crescent, Serenity Lane, Eagles Path Lane, Bruce Lane, Cass's Road, Bay Vista Lane, Baxter Lane, Jack's Way and Route 25 civic addresses 2186-2490 inclusive.

Ward # 2 - Includes all civic address on MacLauchlin Highlands, Warrens Road, Vail Crescent, Thymewood Lane, Stanhope Lane, Spruce Lane, Smallwood Lane, Simpson Lane, Ruperts Road, Ross Lane, Point Pleasant Crescent, Parkview Lane, Old Sam Road, Macs Landing, MacMillan Lane, Lawson Lane, Joyces Lane, Halmac Road, Fairview Drive, Parson's Creek Drive, Ellis Lane, Ekkho Lane, Doc Soper Crescent, Deanna Lane, Cliff View Lane, Carmody Crescent, Blanchard Lane, Birch Hill Drive, Bayview Lane, Bayshore Road, Bagnall Lane, Alvins Drive, Allan Court and Rte 25 civic addresses 2491-2727 inclusive.

Ward # 3 - Includes all civic addresses on Guerney Road, Hardy Mill Road, Merricks Lane, Normandy Lane, West Covehead Road, McCarville Lane, Ash Lane and Route 25 civic addresses 1163-2151 inclusive.

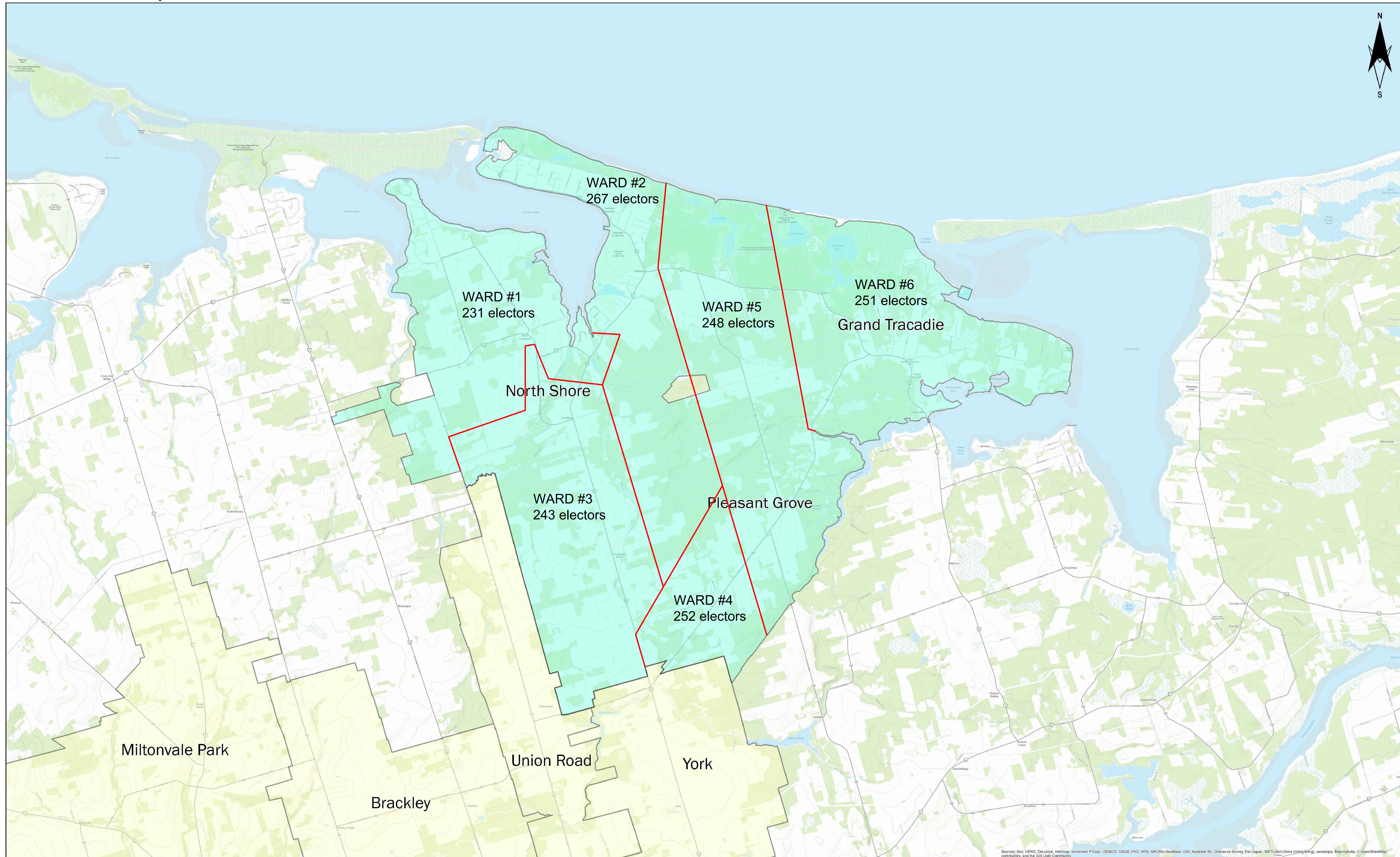
Ward # 4 includes all civic addresses on Andi-Lee Court, Big Maple Lane, Cameron Drive, Halle Court, Lillian Lane, Maggie Lane, Maryland Road, Windsor Drive, and Pleasant Grove Road civic addresses 935- 1465 inclusive.

Ward # 5 Includes all civic addresses on Friston Road, Golden Lane, Tracey's Lane, Suffolk Road, Winter River Circle, Beaver Run Road, Cormac Crescent, and Pleasant Grove Road civic addresses 378-921 inclusive and Eastern Road civic addresses 2203-2598 inclusive.

Ward # 6 includes all civic addresses on Alfred Lane, Beach Road, Cottage Crescent, Dalvay Crescent, Dune View Drive, Eagar Lane, Gulf Shore Parkway, Harbour Road, High Road, Jones Way, Lakewood Lane, Lorne Lane, Mac Lane, Oceanpath Lane, Peters Crescent, Queens Point Road, Robinson Road, Tamarack Drive, Watts Road, White Sickle Drive, Winter Road and Pleasant Grove Road civic addresses 130-371 inclusive, and Route 6 civic addresses 1229-1911 inclusive, and Eastern Road civic addresses 1961-2009 inclusive.

***All address within the Municipal Boundaries as outlined on the attached Ward Map**

North Shore, Grand Tracadie and Pleasant Grove Boundaries Combined



Map Legend

- North Shore, Grand Tracadie and Pleasant Grove
- Other Municipal Boundaries

Data Sources:

Municipal Boundaries Layer (Department of Finance), ESRI Topographic Base Layer

This map is for information purposes only. It is not intended for legal description or calculating exact land dimensions.



Municipal Affairs and Provincial Planning
Department of Communities, Land and Environment



Schedule B Pursuant to Part 3 of the MGA, the following are eligible to vote during a municipal election:

1. MGA 31. Qualifications of electors

1.2 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.

2.0 MGA 39.(2)(a) Where a municipality is divided into wards pursuant to clause 38(1)(a), (a) only an elector who is resident in a ward shall be eligible to vote for a candidate for that ward.