



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

**MUNICIPAL GOVERNMENT ACT
CAMPAIGN CONTRIBUTIONS AND ELECTION
EXPENSES BYLAW REGULATIONS**

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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**MUNICIPAL GOVERNMENT ACT
CHAPTER M-12.1**

**CAMPAIGN CONTRIBUTIONS AND ELECTION EXPENSES BYLAW
REGULATIONS**

Pursuant to section 36 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

1. Definitions

In these regulations,

- (a) “**Act**” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- (b) “**bylaw**” means a campaign contributions and election expenses bylaw made by a council pursuant to section 36 of the Act;
- (c) “**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;
- (d) “**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;
- (e) “**candidate**” means a person nominated in accordance with Part 3, Division 8, of the Act, and for the purposes of these regulations includes a person who has declared an intention to run as a candidate in accordance with clause 2(1)(a);
- (f) “**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;
- (g) “**election expenses period**” means the election expenses period specified in subsection 2(1). (EC399/18)

2. Election expenses period

- (1) The election expenses period is
 - (a) in the case of an election, 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 on the earlier of

- (i) election day, and
 - (ii) the declaration by the municipal electoral officer that the candidate is elected; and
- (b) in the case of a by-election, the period beginning when council sets the date of election day and ending on the earlier of
 - (i) election day, and
 - (ii) the declaration by the municipal electoral officer that the candidate is elected.

Time limit

- (2) Except as provided in subsection (3), the bylaw shall state that election expenses may only be incurred by or on behalf of a candidate during the election expenses period.

Advertising materials, exception

- (3) The bylaw may permit expenses for the preparation of advertising materials and signs to be incurred prior to the election expenses period, but shall require that those expenses be recorded and disclosed as election expenses in accordance with the provisions of the bylaw. *(EC399/18)*

3. Campaign expenses limit - mayor

- (1) The bylaw shall specify the maximum allowable election expenses of a candidate for mayor, not to exceed \$50,000.

Campaign expenses limit - councillor

- (2) The bylaw shall specify the maximum allowable election expenses of a candidate for councillor, not to exceed \$10,000. *(EC399/18)*

4. Contributor

- (1) The bylaw shall specify which of the following may contribute to a candidate's campaign in a municipal election:
 - (a) an individual;
 - (b) an organization;
 - (c) a union;
 - (d) a corporation.

Campaign contribution limit - mayor

- (2) The bylaw shall specify the maximum amount a contributor may contribute to any one candidate for mayor, not to exceed \$1,575, and shall prohibit a contributor from making a contribution exceeding that amount to any one candidate for mayor in an election.

Campaign contribution limit - councillor

- (3) The bylaw shall specify the maximum amount a contributor may contribute to any one candidate for councillor, not to exceed \$1,575, and shall prohibit a contributor from making a contribution exceeding that amount to any one candidate for councillor in an election.

Contribution to own campaign

- (4) The bylaw shall specify the maximum amount that a candidate for election to council and the candidate's spouse may contribute to the candidate's own election campaign and shall



prohibit the candidate or spouse from making a contribution exceeding that amount to the campaign.

Different maximums

- (5) For greater certainty, the bylaw may impose a lower maximum contribution amount than the amount specified in subsection (2) or (3) that may be contributed by any of the entities permitted by the bylaw to make contributions pursuant to subsection (1). *(EC399/18)*

5. Requirement to keep records

- (1) The bylaw shall require a candidate for election to a council to keep complete and proper accounting records of all campaign contributions and all election expenses.

Candidate's responsibility

- (2) Without limiting the generality of subsection (1), the bylaw shall require the candidate to 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. *(EC399/18)*

6. Disclosure of campaign contributions and election expenses

- (1) The bylaw shall, at a minimum, require a candidate to disclose all campaign contributions received and election expenses incurred as set out in this section.

Statement to be filed

- (2) A candidate shall file a disclosure statement of the candidate's campaign contributions and election expenses, in writing in the form approved by the Minister, with the municipal electoral officer or, if the municipal electoral officer is no longer appointed, with the chief administrative officer, within two months following the date of a municipal election.

Contents of statement

- (3) 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 or a lower amount specified in the bylaw,
 - (ii) the cumulative amount that each of the named contributors has given to the candidate,
 - (iii) the cumulative total of all contributions under \$250 or a lower amount specified in the bylaw, and
 - (iv) if no contributor's cumulative campaign contribution exceeded \$250 or the lower amount specified in the bylaw, 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. *(EC399/18)*

7. False or misleading statement

The bylaw shall include a prohibition that no candidate shall file a false, misleading or incomplete disclosure statement. *(EC399/18)*

8. Anonymous contributions

- (1) The bylaw shall include a prohibition that no candidate shall accept an anonymous campaign contribution.

Donation to charity

- (2) The bylaw shall provide that, 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 the receipt of the contribution. *(EC399/18)*

9. Refund of contribution

- (1) The bylaw shall provide that where a candidate's disclosure statement, filed in accordance with section 6, 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.

Campaign surplus

- (2) The bylaw shall provide that, subject to a refund of a named contributor's campaign contribution pursuant to subsection (1), where a candidate's disclosure statement, filed in accordance with section 6, 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. *(EC399/18)*

10. No deferral of election expenses

The bylaw shall provide that 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. *(EC399/18)*

11. Delivery of disclosure statements

- (1) The bylaw shall provide that all documents filed with the municipal electoral officer pursuant to these regulations shall, within two weeks after the time specified in the bylaw for filing the documents, be delivered by the municipal electoral officer to the chief administrative officer of the municipality.



Retention of records

- (2) The bylaw shall provide that the chief administrative officer shall retain the documents referred to in subsection (1) in accordance with the records retention and disposal schedule of the municipality established pursuant to section 117 of the Act.

Inspection of documents

- (3) The bylaw shall provide that all documents filed with the municipal electoral officer and retained by the chief administrative officer under subsection (2) are public documents and may, on request to the chief administrative officer, be inspected during regular office hours.

Summary

- (4) The bylaw shall require the chief administrative officer to forward to council for its information a report summarizing the disclosure statement of each candidate, with a notation respecting any candidate who has exceeded the limit on election expenses pursuant to section 3, and the name of any candidate who failed to file the required disclosure statement pursuant to section 6.

Publication

- (5) The bylaw shall require the chief administrative officer to ensure that the summary referred to in subsection (4) is posted in a conspicuous place in the municipality or on the website of the municipality for a period of at least six months.

Posting of filed statement

- (6) The bylaw shall require the chief administrative officer to ensure that the filed disclosure statement of each candidate who sought election in the immediately preceding election is posted on the website of the municipality for a period of at least six months, whether the candidate was elected or not. (EC399/18)

12. Retention of records by candidate

- (1) The bylaw shall require that all records of a candidate required to be maintained pursuant to these regulations shall be retained by that candidate for not less than seven years, whether the candidate was elected or not.

Requirement for additional information

- (2) The bylaw shall provide that 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 seven-year period referred to in subsection (1), whether the candidate was elected or not.

Referral to council

- (3) The bylaw shall provide that where
- (a) a candidate fails or refuses to provide the additional information and supporting documentation referred to in subsection (1); 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.

Determination by council

- (4) The bylaw shall provide that 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 subsection (2); or
 - (c) take any further action the council considers appropriate.

Complaint from elector

- (5) The bylaw shall provide that 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 municipal electoral officer, or the chief administrative officer if the municipal electoral officer is no longer appointed.

Authority to deal with complaint

- (6) The bylaw shall provide that the municipal electoral officer or the chief administrative officer, as the case may be, who receives a complaint from an elector under subsection (5) 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 subsection (2); or
 - (c) refer the matter to the council to be dealt with under subsection (4). *(EC399/18)*

13. Offence and penalties

- (1) The bylaw shall provide that a person who contravenes a provision of the bylaw is guilty of an offence and liable on summary conviction to a fine not to exceed \$2,000 and may provide that, in the case of a continuing offence, that the person is liable on summary conviction to a further fine of not more than \$2,000 for each day or part of a day during which the offence continues.

Compliance required

- (2) The bylaw shall provide that
- (a) a conviction for an offence referred to in subsection (1) does not relieve the person convicted, including a candidate referred to in subsection 14(2), from the requirement to comply with the bylaw; and
 - (b) that 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 the bylaw. *(EC399/18)*

14. Disqualification from office

- (1) The bylaw shall provide that, where a candidate who is elected has contravened any provision of the bylaw and is convicted of an offence in respect of that contravention, the candidate is disqualified from office and shall resign immediately.



Exception, inadvertence or mistake

- (2) The bylaw may provide that, notwithstanding subsection (1), where, on application by the candidate referred to in that subsection, 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. *(EC399/18)*

15. Transitional provisions

The requirements of the following provisions of these regulations that are set out in the bylaw do not apply to candidates in an election in 2018:

- (a) subsection 2(2);
- (b) section 3;
- (c) section 4. *(EC399/18)*