Rural Municipality of Brackley Municipal Election Bylaw

**Rural Municipality of Brackley, PEI**

**A Bylaw to Regulate Municipal Elections**

**Bylaw # 2025-01**

**BE IT ENACTED** by the Council of the Rural Municipality of Brackley 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 in the Rural Municipality of Brackley.

### 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 and any other applicable regulations.

### 4. Application

4.1. This bylaw applies to the Mayor and all members of Council, municipal employees, and the public.

4.2. This bylaw operates together with, and as a supplement to, the *Municipal Government Act* and applicable regulations.

4.3. If there is any inconsistency between this bylaw and the *Municipal Government Act* or its applicable regulations, that Act and regulations shall take precedence.

### 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. In this bylaw:

(a) "Act" means the Municipal Government Act, RSPEI 1988, c. M-12.1 and amendments thereto;

(b) "Agent" means a qualified elector who represents a candidate at a polling station who meets the criteria in section 35 of the *Municipal Election Regulations;*

(c) "Ballot" means the portion of a ballot paper that has been marked by an elector and deposited in the ballot box;

(d) "By-Election" means an election other than a general election;

(e) "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.

(f) "Campaign Contribution Period" means a campaign contribution period as defined in the *Campaign Contribution* and *Election Expenses Bylaw Regulations*;

(g) "Campaign Financing Regulations" means the *Campaign Contributions and Election Expenses Bylaw Regulations*.

(h) "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.*

(i) "Chief Administrative Officer" or "CAO" means the administrative head of the Municipality as appointed by council under clause 86(2)(c) of the Act.

(j) "Council" means the mayor and other members of the council of the municipality.

(k) Councillor" means a member of council other than the mayor.

(l) "Election" means an election held to elect a member to serve on Council;

(m) "Election Expense" means an election expense as defined in the *Campaign Contribution and Election Expenses Bylaw Regulations;*

(n) "Election Expenses Period" means an election expense period as defined in the *Campaign Contribution and Election Expenses Bylaw Regulations;*

(o) "Election Regulations" means the *Municipal Election Regulations.*

(p) "Electors" means a person entitled to vote at an election pursuant to this Bylaw;

(q) "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 any other person or class of person designated as an employee by the Minister, but does not include an independent officer, as defined in the Act. In Part 3 of the Act 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.

(r) "Member" means a member of Council;

(s) "Minister" means the member of the provincial cabinet responsible for municipal affairs in the province;

(t) "Municipality" means the Rural Municipality of Brackley;

(u) "Municipal Electoral Officer" means the person appointed under section 40 of the Act to be responsible for the administration of the election.

(v) "Nomination Day" means the day on which nominations close as provided in the *Municipal Election Regulations*;

(w) "Official List of Electors" means the list of electors prepared by the Municipal Electoral Officer;

(x) "Ordinary Resident" has the same meaning as the *Election Act*, RSPEI 1988, c. E-1;

(y) "Polling Station" means a place at which voting is conducted;

(z) "Prescribed" means approved by the Minister or the Municipal Electoral Officer

**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 –ELECTION PROCEEDINGS**

**7. Appointment of Municipal Electoral Officer**

7.1. Council shall by resolution, on or before the **second Monday of May** of each election year and at other times as required, appoint the Chief Electoral Officer of Prince Edward Island as the Municipal Electoral Officer, and the Deputy Chief Electoral Officer of Prince Edward Island as the Deputy Municipal Electoral Officer, to be responsible for the administration of the election.

7.2. Subject to the Act, and beginning **2026,** the Municipality shall hold a general election every **4 years.**

**PART III- LIST OF ELECTORS**

**8. List of Electors**

8.1. The Municipal Electoral Officer shall establish and maintain an electronic system for voter registration and this system shall be maintained in accordance with the Act and applicable regulations.

8.2. The personal information of an elector that is collected or obtained for the purpose of an election shall be used only for the purpose for which it was collected or obtained.

**PART IV- NOMINATION of CANDIDATES**

**9. Nomination**

9.1. At least 10 electors qualified to vote in the Municipal election are required to nominate a candidate, for Mayor or Councillor, during the nomination period.

9.2. A candidate shall:

(a) File the completed nomination paper at the election office with the returning officer, at a time specified for the receipt of nominations; and

(b) Deposit with the returning officer the sum of $100.00 in legal tender, money order or a certified cheque made payable to the Municipality for that amount.

9.3. No person is eligible for nomination as both a Councillor and Mayor in the same municipal election.

**10. Return of Deposit**

10.1. The Chief Administrative Officer of the Municipality shall refund the nomination deposit to a candidate or their personal representative when:

(a) The candidate completes and files a campaign disclosure pursuant to Part V of this bylaw; or

(b) The candidate dies before the close of the polls on election day.

**Part V – CAMPAIGN CONTRIBUTIONS and ELECTION EXPENSE DISCLOSURE**

**11. Election Expenses**

11.1. 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.

11.2. 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.

11.3. Except as provided in subsection 11.4 below and effective January 1, 2019, election expenses shall only be incurred by or on behalf of a candidate during the election expenses period.

11.4. Pursuant to subsection 2(3) of the Campaign Financing Regulations, expenses related to the preparation of advertising materials and signs may be incurred prior to the election expenses period. These expenses shall be recorded and disclosed as election expenses in accordance with the provisions of this bylaw.

11.5. Pursuant to subsection 3(1) of the Campaign Financing, the maximum allowable election expenses of a candidate for mayor is $15,000.

11.6. Pursuant to subsection 3(2) of the Campaign Financing, the maximum allowable election expenses of a candidate for councillor is $5,000

11.7. 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.

**12. Campaign Contributions**

12.1. Campaign contributions shall only be received by a candidate during the campaign contribution period as defined in the Campaign Financing Regulations.

12.2. 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;

(b) an organization;

(c) a union;

(d) a corporation;

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

12.4. Pursuant to subsection 4(3) of the Campaign Financing Regulations, a contributor shall not make a contribution exceeding $1,575 to any one candidate for Councillor in an election.

12.5. Pursuant to subsection 4(4) of the Campaign Financing Regulations, neither a candidate nor that candidate's spouse shall make a contribution to that candidate's own election campaign exceeding the difference between the maximum expenditure amount and the total contributions from other contributors.

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

12.7. 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.

**13. Candidate Records**

13.1. 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.

13.2. 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 13.2(b) of this bylaw; and

(d) all records kept in accordance with this section remain in the possession and under control of the candidate or the candidate's agent at all times.

**14. Candidate Disclosure: Filing and Records Retention**

14.1. 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.

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

14.3. 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.

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

14.5. Pursuant to subsection 9(1) of the Campaign Financing Regulations, where a candidate's disclosure statement filed in accordance with 14.1 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.

14.6. Subject to a refund of a named contributor's campaign contribution pursuant to subsection 14.5 of this bylaw, where a candidate's disclosure statement filed in accordance with 14.1 of the bylaw discloses a surplus of campaign contributions in the form of money, the candidate shall turn over the remaining surplus to the Chief Administrative Officer to be used for municipal purposes.

14.7. 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 14.2 of the bylaw for filing the documents.

14.8. Pursuant to subsection 11(2) of the Campaign Financing Regulations, the Chief Administrative Officer shall retain the documents referred to in subsection 14.7 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.

14.9. Pursuant to subsection 11(3) of the Campaign Financing Regulations, all documents filed with the Municipal Electoral Officer and retained by the Chief Administrative Officer under section 14.8 of this bylaw are public documents and may, upon request, be available for inspection on request to the Chief Administrative Officer during regular officer hours.

14.10. 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.

14.11. Pursuant to subsection 12(2) of the Campaign Financing Regulations, the Municipal Electoral Officer, or the Chief Administrative Officer if the Municipal Electoral Officer 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 14.10 of this bylaw.

**15. Reporting**

15.1. Pursuant to subsection 11(4) of the Campaign Financing Regulations, the Chief Administrative Officer 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 11.5 and 11.6 of this bylaw and the name of any candidate who failed to file the required disclosure statement.

15.2. Pursuant to subsection 11(5) of the Campaign Financing Regulations, the Chief Administrative Officer shall ensure that the summary referred to in section 15.1 of this bylaw is posted on the website of the Municipality for a period of at least 6 months.

15.3. Pursuant to subsection 11(6) of the Campaign Financing Regulations, the Chief Administrative Officer 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.

**16. Complaints & Compliance**

16.1. 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 14.11 of the bylaw; 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.

16.2. 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 14.11 of the bylaw; or

(c) take any further action the Council considers appropriate.

16.3. 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 Municipal Electoral Officer, or the Chief Administrative Officer if the Municipal Electoral Officer is no longer appointed.

16.4. Pursuant to subsection 12(6) of the Campaign Financing Regulations, the Municipal Electoral Officer or the Chief Administrative Officer, as the case may be, who receives a complaint from an elector under section 16.3 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 14.11 of the bylaw, or

(c) refer the matter to Council to be dealt with under section 16.2 of this bylaw.

**17. Offences and Penalties**

17.1. 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 $2,000.00.

17.2. In the case of a continuing offence, that person is liable on summary conviction to a further fine of $2,000.00 for each day or part of a day during which the offence continues.

17.3. Pursuant to clause 13(2)(a) of the Campaign Financing Regulations, a conviction for an offence referred to in section 17.1 of this bylaw does not relieve the person convicted, including a candidate referred to in section 16.2(b) of this bylaw, from the requirement to comply with this bylaw.

17.4. 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.

17.5. 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.

17.6. Pursuant to subsection 14.(2) of the Campaign Financing Regulations and despite 17.5 of this bylaw, a candidate may not be required to resign where a judge of the Supreme Court of Prince Edward Island decides that the contravention of the candidate arose through inadvertence or by reason of an honest mistake.

## PART VI –ADVANCE POLLS

### 18. Advance Polls

18.1. The Municipal Electoral Officer shall establish one or more special polling stations in the Municipality for the purposes of enabling electors who expect to be unable to vote, on the day fixed for a general election, to vote in advance.

18.2. An advance polling station shall be open to the public between the hours of 9:00 a.m. and 12:00 p.m. on the last Saturday before the ordinary polling day.

18.3. In addition to the time set out in subsection 18.2 above, the Chief Electoral Officer may designate such other times to hold advance polling as in their opinion are necessary or convenient.

18.4. Except as provided in this section an advance poll shall be conducted, and all things done in respect thereof, in the same manner as is provided by the Act, the *Municipal Election Regulations,* and this bylaw for the conduct of a municipal election.

18.5. The Municipal Electoral Officer shall publish the place, date and time fixed for the holding of each advance poll:

(a) In at least one daily newspaper published in the Municipality; and

(b) On the Municipality's website and social media accounts, if applicable.

## PART VII- ADMINISTERING the ELECTION

### 19. Location of office

19.1. Pursuant to sections 10 and 11 of the Election Regulations, the election office shall be opened from the **fourth Wednesday** before the election at the Brackley Commons, 14 Union Road, Brackley, PE and shall be open with hours to be determined by the Municipal Electoral Officer between 9 am and 9pm, and must be open while advance polling station and election day polls are open.

### 20. Candidates

20.1. Pursuant to subsection 12(2.1) of the Election Regulations, a candidate in an election is not eligible to be appointed, and shall not serve, as an election official in the election.

**21. Person closely connected**

21.1. Pursuant to subsection 18(3) of the Election regulations, a person closely connected, as defined in the Act, to a candidate shall not serve as an election official in the election.

**22. Nominations**

22.1. Pursuant to subsection 26(4)(a) of the Municipal Election Regulations, the minimum number of nominators required for each nomination shall be five (5)

22.2. Notwithstanding 22.1 the deadline for submitting a nomination is 2:00pm on Nomination Day

**23. Records**

23.1. 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 seven (7) years.

**PART VIII- By-Elections**

**24. By-elections**

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

**PART IX- LIST OF ELECTORS**

25. **Procedure for Establishing a List of Electors**

25.1. Pursuant to subsection 41(2) of the Act, the Council of the Rural Municipality of Brackley 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.

25.2. 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.

**26. Protection of Privacy**

26.1. Personal information in respect of an elector that is collected or obtained for the purpose of an election

(a) shall be used only for the purpose for which it was collected or obtained; and

(b) shall be disclosed only to the Chief Electoral Officer for a purpose for which the Chief Electoral Officer has responsibility under this or any other enactment.

**27. Voters Not on List**

27.1. 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 X – Approval and Adoption**

**28. Repeal of Existing Bylaw**

28.1. On adoption, this bylaw replaces Bylaw #2018-04

**29. Effective Date**

29.1. This Elections Bylaw, Bylaw #2025-01, shall be effective on the date of approval and adoption below.

**First Reading:**

This Elections Bylaw, Bylaw #2025-01, was read for the first time at the Council meeting held on the 19th day of February, 2025.

This Elections Bylaw, Bylaw #2025-01, was approved by a majority of Council members present at the Council meeting held on the 19th day of February, 2025.

**Second Reading:**

This Elections Bylaw, Bylaw #2025-01, was read a second time at the Council meeting held on the 19th day of March, 2025.

This Elections Bylaw, Bylaw #2025-01, was approved by a majority of Council members present at the Council meeting held on the 19th day of March, 2025.

**Approval and Adoption by Council:**

This Elections Bylaw, Bylaw #2025-01, was adopted by a majority of Council members present at the Council meeting held on the 19th day of March, 2025.

**30. Signatures**

**Mayor** (signature sealed)

**Chief Administrative Officer** (signature sealed)

This Elections Bylaw adopted by the Council of the Rural Municipality of Brackley on the 19th day of March, 2025 is certified to be a true copy.

**Chief Administrative Officer Signature**

2025-06-05

**Date**