

2010-11

[ELECTION YEAR GUIDELINES FOR MEMBERS]

[The Election Year Guidelines for Members provides guidance to Members of the Legislative Assembly on their indemnities and allowances in the year prior to an election and describes their use in relation to the dissolution of the Legislative Assembly through to the day the writ is returned.]

Contents

INTRODUCTION	3
A. General Information	3
B. Background	4
C. Member's Indemnity.....	5
D. Members with Additional Responsibilities.....	5
1. Speaker	5
2. Premier and Ministers.....	6
3. Other Positions	6
E. Allowance for Expenses.....	6
F. Northern Allowance	7
G. Capital Accommodation Allowance	7
H. Constituency Work Expenses	7
1. Constituency Work Expense Budgets	8
2. Credit Cards.....	8
3. Telephone Charges	8
4. Constituency Offices.....	9
5. Office Equipment and Furniture.....	9
6. Web Sites and E-mail Addresses	10
7. Constituency Assistants	10
8. Promotional Materials	10
I. Pension Benefits.....	11
J. Transition Allowance.....	11
K. Medical, Dental and Insurance Benefits	11
L. Other Services	11
1. Legislative Assembly Staff.....	11
2. Research Services.....	12
3. General	12
M. Elections Act.....	12
GUIDELINES FOR THE SPEAKER DURING AN ELECTION CAMPAIGN	14
CONVENTIONS RESPECTING ELECTION CAMPAIGN ACTIVITIES OF MINISTERS	15

INTRODUCTION

The following sections will describe the allowances and services available to Members in an election year. It will also outline the services available from the days on which the 16th Legislature is dissolved, the writ is issued, polling day and the day the writ is returned.

The general rule governing expenses, allowances, services and benefits to Members in an election year is based on the principle that an incumbent should not have an advantage gained from access to public funds that is not available to other candidates.

It should also be noted that the conditions described herein apply to Members whether or not they are candidates for re-election following dissolution.

A. General Information

The Calling of an Election

Section 39(5) of the *Elections and Plebiscites Act* states:

Subject to the power of the Governor in Council under subsection 9(3) of the Northwest Territories Act (Canada) to dissolve the Legislative Assembly at any time after consultation, and to cause a new Legislative Assembly to be elected, polling day for a general election must be the first Monday in October in the fourth calendar year following polling day for the last general election.

The procedure that is followed is:

1. The Governor-in-Council (Federal Cabinet) will be requested to provide for an Order in Council to dissolve the Legislature on September 2, 2011.
2. The Commissioner of the Northwest Territories will give instructions, pursuant to subsection 9(4) of the *Northwest Territories Act*, for issuing writs for the election and establishing:
 - a) the date for issuing the writ which will be September 5, 2011;
 - b) polling day, the day for taking the votes of the electors which will be October 3, 2011; and,
 - c) the return of the writ of election, which will be October 14, 2011

The following summarizes the important dates to remember and forms the basis for calculation of indemnities, expenses and allowances:

Dissolution	September 2, 2011
Issue of Writ	September 5, 2011
Polling Date	October 3, 2011
Return of Writ	October 14, 2011

B. Background

When the Legislature is dissolved, Members cease to be Members by definition. Section 1(1) of the *Legislative Assembly and Executive Council Act*, states:

“Member” means a Member of the Legislative Assembly

However, for purposes of computing the amount of indemnity and eligible constituency work expenses, the following sections apply.

Indemnity:

Section 17(3) states:

For the purpose of an indemnity referred to in subsection (1),

- (a) a person shall be deemed to have become a member on the day last fixed for the election of a member for the electoral district represented by that person; and*
- (b) a person who was a Member immediately before the expiration or dissolution of the Legislative Assembly shall be deemed to continue to be a Member until the day preceding the polling day for the next general election.*

Constituency Expenses:

Section 33 states:

In a year in which there is a general election, the entitlement of a Member to an allowance under section 19 or to reimbursement for expenses under paragraph 24(1)(a) and section 29, shall be reduced:

- (a) for the period before the election, to an amount prorated for the period beginning on the first day of the fiscal year and ending on the day the Legislative Assembly is dissolved; and,*

- (b) *for the period after the election, to an amount prorated for the period beginning on the polling day for the election and ending on the last day of the fiscal year.*

In summary, a member continues to receive their indemnity up to polling day while constituency expenses are prorated and some allowances and services cease on certain dates. Specific details on each allowance are provided in these guidelines.

C. Member's Indemnity

1. The member's annual indemnity will continue to be paid every two weeks between the day of dissolution and the day preceding polling day.
2. For a member who is re-elected there will be no disruption in annual indemnity.
3. For a member who is not re-elected or does not seek re-election, the annual indemnity will cease the day prior to polling day.

D. Members with Additional Responsibilities

The positions of Speaker, Deputy Speaker, Premier, Ministers, Deputy Chairpersons of Committee of the Whole, Chairpersons of Standing Committees and Chairperson of Caucus all receive additional indemnities while they hold their respective offices.

Section 18 of the Act states:

18. (1) In addition to the indemnity referred to in subsection 17(1), a further indemnity in the amount set out in Part 2 of Schedule C shall be paid to a member in respect of each office held by the member and referred to in Part 2 of Schedule C; and

(2) The indemnity to which a member is entitled under subsection (1) shall be paid during the period the member holds the associated office.

The following outlines payments to the respective offices:

1. Speaker

Section 45. (5) of the Act states: *"The person who holds the office of Speaker at the time of a dissolution of the Legislative Assembly shall continue to hold the office of Speaker until the next Speaker is elected under subsection (1)."*

Therefore, the Speaker, regardless of whether he or she seeks re-election or not, continues to be paid his or her Speaker's indemnity until the next Speaker is elected.

To ensure that the Office of the Speaker is not compromised during an election campaign the Board of Management adopted additional guidelines to assist the Speaker in carrying out required duties during the election campaign. The "Guidelines for the Speaker in an Election" are attached as Appendix "A".

2. *Premier and Ministers*

The Premier and Ministers will receive their ministerial indemnity up to the day they are re-appointed, replaced, or resign.

By virtue of sections 64(2) and 69 of the *Legislative Assembly and Executive Council Act*, the Premier and Cabinet Ministers retain their positions until the 17th Legislative Assembly authorizes a change, and Oaths of Office are administered to the new Cabinet. Ministers will continue to be paid by the Department of the Executive for these additional responsibilities until then. This procedure is followed even if a Cabinet Minister is not re-elected.

To ensure that Minister's Offices are not compromised, conventions respecting election campaign activities of Ministers were developed to assist the Premier and Ministers in carrying out their duties as during the election campaign. These conventions ensure that the Premier's and Ministers' activities during the campaign relate directly to Ministerial responsibilities. These conventions are attached as Appendix "B".

3. *Other Positions*

The Act makes no provision for the Deputy Speaker, Deputy Chairpersons of Committee of the Whole, or Standing Committee Chairpersons to continue past dissolution. Therefore, a member holding any of these positions will only be paid their additional indemnities up to the day of dissolution. (September 2, 2011)

E. Allowance for Expenses

The Act does not make provision for the payment of the non-taxable allowance beyond the date of dissolution. Therefore, this allowance will continue to be paid at the beginning of every month up to the date of dissolution. (September 2, 2011)

F. Northern Allowance

The Act does not make provision for the payment of Northern Allowance beyond the date of dissolution. Therefore, the amount payable to Members will be prorated to the date of dissolution. (September 2, 2011)

G. Capital Accommodation Allowance

The allowance is available to those Regular Members who live outside the 80-kilometer commuting distance to the Capital. Under the Indemnities Allowances and Expense Regulations, the maximum allowance for the 2010-11 fiscal year is \$29,500. However, in accordance with section 33 of the *Legislative Assembly and Executive Council Act*, the allowance shall be prorated in an election year for the period beginning on the first day of the fiscal year and ending on the day the Legislative Assembly is dissolved. The allowance will cover Members' accommodation expenses for the period from April 1, 2011 - September 1, 2011.

A decision of the Board of Management allows those Members accessing the accommodation allowance as of the first day of the issue of the writ on September 5, 2011, to have their accommodation costs covered by the Legislative Assembly until polling day, October 3, 2011. In addition, Members will be permitted full access to their accommodation during the election period, but should keep in mind the spirit and intent of maintaining a level playing field during the election period. Therefore, no Member shall use the accommodation for the purposes of an election campaign, thereby receiving a benefit from public funds not available to other candidates. Members must also return all fax machines, copiers, computers or laptops and any materials or supplies that they may have in their capital residences to the Assembly as of close business day, September 1, 2011.

Returning Members that qualify for the Capital Accommodation Allowance will be given the opportunity to retain their rental accommodation and receive the allowance, prorated from Polling day to the last day of the fiscal year or October 1, 2011 to March 31, 2012.

The Board of Management has further determined that those Members that do not seek re-election, or are defeated, will be allowed a grace period of a maximum of 60 days from polling day to remove themselves from the rental accommodation.

H. Constituency Work Expenses

Members are not eligible to claim reimbursements or have payments made on their behalf for any expenses that were incurred for the period after September 2, 2011 and before October 3, 2011.

The following pages will describe the guidelines that will be followed with respect to Members' claims submitted during and after the election period for the constituency expenses.

1. *Constituency Work Expense Budgets*

This is the amount of funds stipulated in Sections 29 and 30 of the Act and sections 10, 11 and 12 of the Regulations and the Schedule to the Regulations that a Member has available in each fiscal year to cover constituency work expenses.

In accordance with the Act, the amount of funds available in an election year is prorated for the period April 1, 2011 to September 2, 2011. This means that a Member's yearly amount (12 months) will be reduced by approximately seven months. The Member's Constituency Work Expense Budget, prorated as indicated above, will be delivered to each member in January 2011.

Constituency Work Expense budgets are prorated to the date of the dissolution of the House and all expenses must have been incurred prior to the date of dissolution, September 2, 2011. This includes all travel, which must be undertaken and completed prior to September 2, 2011.

Members elected to the 17th Assembly will be entitled to constituency work expenses prorated from the period October 3, 2011 polling day to March 31, 2012, the last day of the fiscal year.

2. *Credit Cards*

Diners MasterCard and Visa Corporate Purchase credit cards must be returned to the Coordinator, Procurement and Asset Management by close of business September 1, 2011.

3. *Telephone Charges*

Members can claim telephone charges from their constituency work expense budget provided the budget amount is not exceeded. All constituency telephones will be disconnected by September 1, 2011 except those in a Members' home, but the Member will be responsible for all charges after that date.

All telephone credit cards will be cancelled in advance, effective September 1, 2011. Members are responsible for returning their telephone credit card on September 1, 2011 to the Coordinator, Administrative Services. Billings will be closely monitored to ensure that charges incurred after September 2, 2011 are not paid by the Legislative Assembly.

4. *Constituency Offices*

It is important for Members to note that their constituency office must not be utilized for any purpose related to an election campaign.

Members will not have use of their offices in the Legislative Assembly building after dissolution on September 2, 2011. Members will not have access to them, therefore, any material required during the election campaign will have to be removed by September 1, 2011 and office keys turned in to the Sergeant-at-Arms.

Offices leased by the Legislative Assembly on behalf of Members in their constituency will be leased for the fiscal year April 1, 2011 to March 31, 2012. However, each lessor will be informed that if a member is not re-elected, then the lease will be terminated with a month's notice. If a new member is elected and wishes to maintain the same office, the lease will remain in place however Members will not be able to access their office until the day they are sworn in.

Members who maintain offices in their constituency will also not be permitted access to these offices after September 2, 2011. Instructions to this effect will be given to the lessor.

Members' Constituency Assistants' Offices in the Legislative Assembly cannot be used during the election period and all access will be denied and keys must be returned to the Sergeant-at-Arms by September 2, 2011.

Members can continue to access the Legislative Assembly building during this period to meet with Ministers, visit the Legislative Library or meet with the Clerk of the Legislative Assembly.

5. *Office Equipment and Furniture*

Most Members have furniture and equipment they have purchased or that has been purchased for them using Legislative Assembly funds. Every Member will receive the annual inventory confirmation list on April 1, 2011, which has to be verified and returned by May 2, 2011. This inventory forms the basis for replacement and disposal of furniture and equipment.

Under **no** circumstances should any furniture and equipment (including laptop computers, fax machines, copiers, cell phones or radio- phones, Blackberries, pins, business cards, quick tickets) be used in an election campaign.

If a Member has a fax machine in his or her home, this machine must be returned to the Legislative Assembly by September 2, 2011. All

cell phones and radio- phones are also to be returned to the Legislative Assembly.

6. *Web Sites and E-mail Addresses*

Use of, and access to, web sites established with public funds is prohibited during the election period, regardless of whether the site was established by the Assembly or contracted out using constituency budgets. Members may continue to update their website up to September 2, 2011 as long as there is no incremental cost to the web administrator or web hosting service. Any newsletters uploaded to the web site must have been completed by June 4, 2011.

All Members' web sites and email addresses established by, or purchased with, public funds must be disabled and inaccessible during the election period from September 2, 2011 to October 14, 2011.

7. *Constituency Assistants*

Members are permitted to hire individuals, businesses or corporations to assist them in the performance of their constituency duties, and to be reimbursed for this expense from their constituency work expense allowances.

A Member may hire an individual as a constituency assistant as a term employee, and/or may engage an individual, business or corporation to perform duties under a short-term service contract. Members may hire more than one constituency assistant and enter into more than one service contract at any time.

Beginning April 1, 2011, Members are prohibited from making any change in the remuneration for Constituency Assistants, including the payment of performance or other one-time bonuses, with the exception of those changes that are specifically provided for in contracts between the Constituency Assistant and Member.

All contracts, commitments, and arrangements for constituency assistants must be completed by September 2, 2011.

8. *Promotional Materials*

Promotional materials are described as calendars, Christmas cards, mugs, pins etc. These items must be produced, purchased and distributed by March 31, 2011. Items provided to constituents to mark special occasions may be purchased and presented after March 31, 2011 only with the prior consent of the Speaker.

Distribution of a Member's newsletter must be completed and/or in the mail 90 days prior to the dissolution of the House (June 4, 2011).

The purchasing and use of television, radio, newspaper, flyers, circulars and similar advertisements and publication must be completed and distributed by June 4, 2011. No advertising expenditures of any kind are permitted after this date.

The Legislative Assembly will advertise constituency meeting details and Session times on behalf of Members.

These guidelines will help ensure that no funds of the Legislative Assembly are used, or are perceived to be used, to assist a Member with promotional material in an election campaign. Strict adherence to this guideline will also serve to avoid contravention of the *Elections and Plebiscites Act*.

I. Pension Benefits

Members will be provided as early as possible after April 1, 2011 with their personal annual pension information pamphlet to enable Members to see their entitlements and pension options.

Each Member will be asked to verify the information on the pension administration forms to ensure that the pension administrators have the most up-to-date information.

If a Member is not seeking re-election or is not re-elected then each individual will be contacted regarding his or her pension options. Any questions concerning pensions should be addressed directly to the Director, Corporate Services.

J. Transition Allowance

Members who do not seek re-election or who are not re-elected are entitled to a transition allowance in accordance with section 31 of the *Legislative Assembly and Executive Council Act*.

K. Medical, Dental and Insurance Benefits

Members' present coverage under the Government of the Northwest Territories medical, dental and all other insurance will continue in effect up to and including Polling Day. Members who are re-elected will have continued coverage. For those Members not seeking re-election or are not re-elected, coverage will cease automatically on Polling Day.

L. Other Services

1. Legislative Assembly Staff

Staff of the Office of the Clerk are not permitted to engage in any type of activity associated with an election campaign. Members are not permitted to request the assistance of any of the staff or use any

of the facilities of the Legislative Assembly during the period September 2, 2011 to October 14, 2011.

If a Member requires assistance of an administrative or financial nature relevant to their position as a Member, regardless of whether or not they are seeking re-election, then any contact during the election period should be made directly to the Clerk of the Legislative Assembly.

2. *Research Services*

Members are permitted to continue to make requests for research services up to dissolution on September 2, 2011. If any requests entail large-scale research, these should be made well in advance of dissolution to ensure they are completed. If a research report is not completed prior to dissolution then it will be given to the Member at the stage it is at on September 2, 2011.

On the request of a Member, all research projects originated by him or her and undertaken during the 16th Assembly will be compiled and returned. In some cases, with the Member's consent, the Research Division may find it useful to keep copies of records for future research purposes. If Members do not request the return of their research projects, the records will continue to be treated as confidential and disposed of in accordance with the Legislative Assembly's records retention and disposition program.

3. *General*

Dissolution will affect a number of other benefits such as Members' I.D. Cards, parking, license plates and the transition allowance. These benefits will be addressed with individual Members who do not seek re-election or who are not re-elected.

M. Elections Act

Members' attention is also drawn to the following definitions contained in the *Elections Act* respecting the expenditure of funds prior to an election:

“pre-election period” means the period beginning three months before the issue of the writ of election and ending with the nomination of the candidate;

The Chief Electoral Officer may issue instructions in respect of election expenses that may be paid for in the pre-election period by a person who becomes a candidate and election expenses paid for in the pre-election period for which an official agent may reimburse a candidate from contributions received to promote the candidate's election. A

Election Year Guidelines for Members

person cannot accept a contribution of any kind during the pre-election period.

Members should be aware therefore, that the pre-election period commences three months before the issue of the Writ of Election and ending with the nomination of the candidate. The pre-election period will begin June 6, 2011 and all Members are cautioned to be particularly careful in the expenditure of their constituency budgets.

Further information regarding the *Elections Act* and its provisions can be obtained from the Office of the Chief Electoral Officer at (867) 920-6999.

Questions on any of the matters contained in these guidelines or other services provided to Members should be addressed to the Clerk of the Legislative Assembly or the Director, Corporate Services.

Guidelines approved by Board of Management Record of Decision
BOM 385-16-2010 dated July 22, 2010.

GUIDELINES FOR THE SPEAKER DURING AN ELECTION CAMPAIGN

Introduction

Under the amended *Legislative Assembly and Executive Council Act*, Section 45(5), the Speaker shall continue to hold the office of Speaker until a new Speaker is elected. The following guidelines deal with election campaign activity respecting the Office of the Speaker in particular, and the Legislative Assembly in general.

Legislative Assembly or Government Offices

No election campaign activity is permitted in the Legislative Assembly Building or government leased or owned premises. In this context, campaign activity includes:

- a) the production of campaign materials such as, posters, pamphlets and letters or their storage; and
- b) meetings to discuss campaign activity.

Speaker's Staff

"Speaker's staff" includes all excluded staff in the Office of the Legislative Assembly. Activity by members of the Public Service is governed by the sections of the *Public Service Act* that deal with political activity and additionally for employees of the Legislative Assembly by the *Code of Conduct for Employees of the Legislative Assembly*.

Speaker's staff may not engage in election campaign activities during normal working hours or on Legislative Assembly premises.

If Speaker's staff choose to work full-time on an election campaign, they must terminate employment or be on approved leave of absence without pay.

Expenses

No expenses of any kind related to an election campaign should be borne by the Legislative Assembly or the Government of the Northwest Territories. Examples of expenses include hospitality, materials, and supplies, postage, travel, telephone and fax charges, and email and Internet services, etc.

Duty Travel

Once the writ of election is issued, the Speaker shall only travel on Legislative Assembly business, as its representative, only when necessary.

CONVENTIONS RESPECTING ELECTION CAMPAIGN ACTIVITIES OF MINISTERS

Under the Legislative Assembly and Executive Council Act, Ministers continue to hold office during a Territorial election campaign.

- No election campaign activity is permitted in government leased or owned premises. In this context, campaign activity includes:
 - production of campaign materials such as posters, pamphlets and letters or their storage; and
 - meetings to discuss campaign activity.
- Public servants including ministerial Executive Assistants and Secretaries may not engage in election campaign activities during normal working hours or on government premises. Activity by Members of the Public Service including ministerial staff is governed by the sections of the *Public Service Act* which deal with political activity.
- No expenses of any kind related to an election campaign should be borne by the Government of the Northwest Territories. Examples of expenses include hospitality, materials and supplies, postage, travel, telephone and fax charges.
- During an election campaign, Ministers should travel to their constituencies on departmental budgets only when clearly on essential and/or urgent departmental business.
- If ministerial staff choose to work full-time on an election campaign, they must apply for and receive approval for a leave of absence without pay.
- These conventions do not apply to home travel undertaken in accordance with Section 2.0 of the Ministerial Benefits Policies.
- For additional information, contact the Deputy Secretary to Cabinet, Department of Executive.