

Campaign Access to Multi-unit Buildings Policy

Policy Statement

The *Elections Act* provides registered candidates or candidate's representatives with explicit authority to enter multi-unit buildings such as apartment buildings, condominium complexes, residential centers, and any other residential complex (except university and college residences and long-term care centres), for the purpose of lawfully campaigning door-to-door during an election provided no active voting is taking place at that location at the same time.

Scope

This policy applies to registered candidates and candidate's representatives access to multi-unit buildings, during an election period, when no active voting is taking place, for lawfully campaigning door-to-door.

Authority

Sections 75, 303 and 308 of the Nova Scotia *Elections Act (the Act)* state:

75 A candidate or candidate's representative may enter any apartment building, condominium complex, residential centre or any other residential complex for the purpose of lawfully campaigning.

303 Every person is guilty of an offence who during the advance poll or election day poll

(a) supplies, carries or wears any flag, ribbon, emblem, badge or other item with the intent to distinguish the user as the supporter of a candidate or a register party within sixty metres of any entrance to a building in which a polling station is located;

(b) organize or participates in a parade, demonstration, or broadcast using a loud speaker or public address system, in support of a candidate or registered party.

308 Every person is guilty of an offence who obstructs a candidate or a candidate's representative in lawfully campaigning.

Section 125

A returning officer, during an election, and a supervising deputy returning officer and deputy returning officer, during the hours a polling station is open or while the votes are being counted,

(d) may order a person to leave a polling station or polling location if, in the officer's opinion, the person is

(i) not permitted to be at the polling station or polling location,

(ii) disturbing the peace and order,

(iii) interfering with the conduct of voting, or

(iv) contravening this Act;

Definitions

Access: For the purpose of this policy, access means entry to a multi-unit building through a secure common entrance so a registered candidate or a candidate's representative can lawfully campaign at the entrance door of each individual residence in a multi-unit building.

Active Voting: For the purposes of this policy, active voting means a mobile poll is operational in a location. If a mobile poll is underway the location is considered a poll location and campaigning is not allowed.

Court Order: For the purposes of this policy, a court order is an order issued by a Nova Scotia court to a registered candidate or a candidate's representative which prohibit the entry of that person onto a specified property or premises, or to have contact with a person who is a resident of a specified property or premises.

Election or Election Period: For the purposes of this policy, an election includes the period between the dissolution of the House of Assembly, or the occurrence of a vacancy in consequence of which a writ for an election is issued up to and including election day.

Landlord: For the purposes of this policy, landlord refers to the owner, operator, superintendent, or manager of a multi-unit building.

Law Enforcement: For the purposes of this policy, law enforcement refers to the police department responsible for the candidate's electoral district. This could be a municipal police force or an RCMP detachment. The police officers having jurisdiction in the electoral district are responsible for assisting with the enforcement of the *Act*.

Long-term Care Centre: For the purposes of this policy, a long-term care centre is a complex that provides care to residents and where the residents' rooms are considered bedrooms not front doors to separate apartments and therefore, canvassing door-to-door would be an invasion of personal space. Therefore, long-term care centres are not considered multi-unit buildings under this policy.

Mobile Poll: For the purposes of this policy, a mobile poll is a separate polling station established at a facility by a Returning Officer. A mobile poll is like a "traveling polling station" which goes to a facility for no less than 3 hours to allow voting by electors at the facility. If a mobile poll is underway the location is considered a poll location and campaigning is not allowed.

Multi-unit Building: For the purposes of this policy, a multi-unit building means any apartment building, condominium complex, residential centre or any other residential complex that has more than one unit and a secure common entrance. University and college

residences and long-term care centres are not considered multi-unit buildings under this policy.

Residential Centre: For the purposes of this policy, a residential centre is a complex that has more than one unit, a secure common entrance, and residents have their own unit with a secure front door. This could be an independent living residence for seniors but not a long-term care centre.

Tenant: For the purposes of this policy, a tenant is a person who resides in a multi-unit building. This includes persons who rent or own an individual unit/residence in the building.

University and College Residences: For the purposes of this policy, university and college residences include a multi-unit building owned by a university or college and operated as a residence for students. Individual university or college resident rooms are considered bedrooms not front doors to separate apartments and therefore, canvassing door-to-door would be an invasion of personal space. Therefore, University and college residences are not considered multi-unit buildings under this policy.

Policy Overview

In Nova Scotia, registered candidates and candidate's representatives have the right to access the entrance doors to each unit in multi-unit buildings to lawfully campaign during an election under the *Act*. Anyone obstructing registered candidates or candidate's representatives from lawfully campaigning is guilty of an offence under the *Act*. Therefore, landlords of multi-unit buildings or administrators of residential centres should provide registered candidates and candidate's representatives with access through the secure common entrance of a building for the purpose of lawfully campaigning by canvassing door-to-door at the entrance of each individual residence in the building.

This policy does not apply to university and college residences and long term care centres. Registered candidates or candidate's representatives are not permitted to canvas door-to-door within a university or college residence or long term care centres where rooms are considered bedrooms not front doors to separate apartments and therefore, canvassing door-to-door would be an invasion of personal space.

Registered candidates or candidate's representatives should present to the landlord a copy of their letter from the Chief Electoral Officer (CEO) confirming their registration with Elections Nova Scotia (ENS) or a copy of their candidate registration form (Form 1-1) as evidence of eligibility to gain access to any multi-unit building to lawfully campaign by canvassing door-to-door. Registered candidates or candidate's representatives can also present the landlord a copy of this ENS policy to assist in the understanding of the requirements for access to multi-unit buildings for lawfully campaigning door-to-door.

ENS provides information about this policy on their website, in their training, and in communications materials to help inform election workers, registered candidates and candidate's representatives, registered political parties, landlord, tenants, and the general public. ENS will also share this policy with Service Nova Scotia which is responsible for the Nova Scotia Residential Tenancies Program.

Registered candidates or a candidate's representative is responsible for contacting landlords, or administrators in the case of residential centres, themselves to gain access to multi-unit buildings if they experience difficulty with access. ENS and election workers are not responsible for assisting registered candidates and candidate's representatives to gain access to multi-unit buildings.

If enforcement of this policy is necessary, ENS may work with the candidates and the candidate's representative to contact the appropriate law enforcement. Law enforcement can be contacted if there is a problem with a landlord not permitting a registered candidate or candidate's representative to gain access to a multi-unit building, or a concern about safety. The law enforcement officers that have jurisdiction in the electoral district, where an access issue arises, are responsible for assisting with the enforcement of the *Act*.

If a mobile poll is underway in a multi-unit building, then it is considered a poll location and campaigning is not permitted under Section 125 of the *Act*.

This policy is not intended to authorize access to a multi-unit building by a registered candidate or a candidate's representative where that person is under a court order which prohibits their access to that building or their contact with a resident of that building.

Accountability and Responsibilities

Elections Nova Scotia (ENS)

- ENS is responsible for the administration of the *Act*.
- ENS is responsible to inform election workers, registered candidates and candidate's representatives, registered political parties, landlord, tenants, and the general public about this policy.
- ENS is not responsible for assisting registered candidates and candidate's representatives to gain access to multi-unit buildings.
- ENS is responsible to assist a registered candidates and candidate's representatives in contacting local law enforcement if necessary.
- ENS is responsible for the development and maintenance of this policy.

Registered Candidates and Candidate's Representative

- Registered candidates or a candidate's representative are responsible for complying with the *Act*.
- Registered candidates or a candidate's representative are responsible for ensuring they only access multi-unit buildings for the purpose of lawfully campaigning door-to-door.
- Registered candidates or a candidate's representative are responsible to provide the landlord with a copy of their letter from the CEO confirming their registration with ENS as evidence of eligibility to gain access to any multi-unit building.
- Registered candidates or a candidate's representative are responsible for contacting landlords directly to gain access to multi-unit buildings.

Landlords

- Landlords have an obligation to allow registered candidates and a candidate's representative to access multi-unit buildings so as not to obstruct them from lawfully campaigning door-to-door.

Tenants

- Tenants may not obstruct registered candidates or a candidate's representative from lawfully campaigning door-to-door in multi-unit buildings.

Law Enforcement

- The police officers having jurisdiction in the electoral district are responsible for assisting with the enforcement of the *Act*.

Policy Directive

- Registered candidates or a candidate's representative will be given access to multi-unit buildings for the purpose of lawfully campaigning door-to-door.
- ENS will provide information about access to multi-unit buildings for lawfully campaigning on their website, in their training, and in communications materials to help inform election workers, registered candidates and candidate's representatives, registered political parties, landlord, tenants, and the general public about this policy.
- Registered candidates or a candidate's representative will provide the landlord with a copy of their letter from the Chief Electoral Officer confirming their registration with ENS or their candidate registration form (Form 1-1) as evidence of eligibility to gain access to any multi-unit building.
- Registered candidates or a candidate's representative will contact landlords directly if they have difficulty accessing a multi-unit building.
- Landlords and tenants will not obstruct a registered candidate or a candidate's representative from lawfully campaigning door-to-door in a multi-unit building during an election.
- ENS will work with candidates and a candidate's representative to contact the appropriate law enforcement if enforcement of this policy is necessary.

CR File No:		
Prepared by: Naomi Shelton Date: October 7, 2020		Effective Date: October 16, 2020
Approved by: Richard Temporale, Chief Electoral Officer Signature:  Date: October 8, 2020		Reviewed by: Date:
Version No.: 1.0	Change Date:	Change Description:
Review Frequency: Every three years – next review October 1, 2023		