

Ms. Dorothy Rice
Chief Electoral Officer
Elections Nova Scotia
202 Brownlow Avenue, Suite 505
Dartmouth, NS B3B 1T5

July 28, 2023

Dear Ms. Rice:

I am writing to file a formal complaint against the Liberal Party of Nova Scotia with respect to the Preston by-election pursuant to section 307 of the *Elections Act*, SNS 2011, c 5 (the "Act"), which states:

"Every person is guilty of an offence who, during an election, knowingly makes, distributes or publishes a false statement of fact about a candidate's character or conduct for the purpose of influencing the election."

The Liberal campaign has put up a sign (see attached) that reads:

*"DUMP THE DUMP
The C&D Processing site will harm this riding
Houston's Conservatives have done nothing to stop the dump
We must stop them
Vote Carlo Simmons"*

In much smaller text, the sign says:

"Authorized by the official agent for Carlo Simmons"

The Liberal campaign has a door knocker (attached), that has similar text to the sign and also reads:

*"Houston's Minister has ignored my letter despite the potential impacts this dump will have on residents...
The disregard from Houston's government for the issues affecting this riding is disappointing."*

Once again in much smaller text, the sign says:

"Authorized by the official agent for Carlo Simmons"

To provide background on this situation, the Liberal candidate is referring to a potential C&D site in the constituency of Preston. In order for a C&D site to become active, it would require a Solid Waste Management Facility Approval from the Department of Environment and Climate Change.

Upon seeking clarification from the Minister of Environment and Climate Change, no applications have been submitted to his Department with respect to this potential site. Therefore, any discussion, or suggestion that the PC Government would activate such a site, is not only intentionally misleading, but it is dangerous for a candidate to fear monger for the purposes of influencing votes, contrary to section 307 of the *Act*.

The Liberal candidate appears to intentionally mislead the public by fabricating an issue that currently does not exist. With his statement that: "*Houston's Conservatives have done nothing to stop the dump*" one could infer that there is an ongoing issue with a dump in which the PC Party/Houston government can address.

Once again, we understand from the Minister of Environment that there is no active application to consider and therefore no current scenario in which the PC Party or government can address an issue related to this dump. Making a statement that a government can stop something that is not at issue before it is like the PC Party putting up a sign that reads:

"Stop the Liberals from closing all hospitals."

"Stop the Liberals from turning away doctors."

"Stop the Liberals from shutting down long-term care beds."

"Stop the Liberals from fracking in Preston."

Furthermore, the Liberal candidate states in his literature that the Minister of Environment "ignored" his letter on the subject. Once again, upon seeking clarification from the Minister, he confirmed that on July 10, 2023, his Department responded. So to explicitly state that the Liberal candidate was ignored, is a false statement.

We would appreciate your consideration of this issue and would ask that the Liberal candidate be required to remove all misleading signs and materials.

Yours truly,



Penny Morash

Executive Director,

PC Party of Nova Scotia



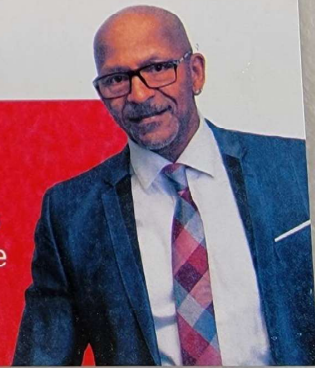
We've heard your voices loud and clear. **The C&D Processing site will harm this riding.** That is why I personally wrote a letter to the Houston's Minister of Environment demanding immediate action. Houston's Minister has **ignored** my letter despite the potential impacts this dump will have on residents.

This dump will affect

- ▶ Your home
- ▶ Your health
- ▶ Your wellbeing

I will not stand to see this riding ignored, overlooked and undervalued. The disregard from Houston's government for the issues affecting this riding is disappointing and I plan on being the voice that **you deserve.**

Authorized by the Official Agent for Carlo Simmons



DUMP the DUMP.

Houston's Conservatives

have done **nothing** to stop this dump.
(C&D Processing Site)

We must stop them.



Vote Carlo Simmons

Street Address **202 Brownlow Avenue | Suite 505 |
Dartmouth | NS | B3B 1T5**

Mailing Address **PO Box 2246 | Halifax | NS | B3J 3C8**

Phone **902-424-8584** | Toll free in NS **1-800-565-1504**
TTY for the hearing impaired **902-424-7475**

Fax **902-424-6622**

Email **elections@novascotia.ca**

■ www.electionsnovascotia.ca

August 1, 2023

Sent via email only

Penny Morash
penny.morash@pcparty.ns.ca

Dear Penny:

I am writing in response to the complaint you submitted to me on Friday, July 28, 2023, regarding signs and door knockers being used by the Liberal campaign, referring to the potential C&D site proposed within the community of Preston.

Your complaint contended the following:

1. The ads were in contravention of Section 307 of the *Elections Act* due to:
 - a. The ads intentionally misleading the public by fabricating an issue that currently does not exist.
 - b. The ads promoting the inference that there is an ongoing issue with a dump in which the PC government can currently address.
 - c. The statement that the Minister of Environment and Climate Change ignored the Liberal Candidate's letter, but that a response was provided by the Department on July 10, 2023.

You requested that all misleading signs and materials be removed.

I requested that the Liberal Party provide evidence to backup the content of the campaign's signs and door knockers. Upon reviewing their submission, I do not feel that they are properly representing the facts of this matter. They have been instructed to remove all signs, by 12:00 AM Thursday, August 3, 2023, and cease use of related door knockers/flyers immediately. Should they not comply with my order, they will be deemed in breach of section 307 of the *Elections Act*.

.../2

I appreciate you raising these concerns with me. Do not hesitate to reach out to me should you have further questions or concerns regarding my decision.

Sincerely,

A handwritten signature in black ink that reads "Dorothy Rice". The script is fluid and cursive, with the first letter of each name being capitalized and prominent.

Dorothy Rice
Chief Electoral Officer

Elections Nova Scotia
c/o Dorothy Rice, CEO
202 Brownlow Ave, Suite 505
Dartmouth, NS
B3B 1T5

August 2, 2023

Dear Ms. Rice,

Re: ENS Order of August 1, 2023

I am writing today on behalf of the Liberal candidate for Preston, Carlo Simmons, in response to your order of August 1, 2023 requiring his campaign to remove specific signage and literature by August 3 at 12:00 AM ("Campaign Materials").

After discussions with the candidate, he has indicated he will not remove the signage and literature.

Carlo regards this issue as one of high importance to the local community he is seeking to represent, and an active issue of discussion in the election. While he is making every effort to speak with every elector individually, it is simply not practical given the short duration of the writ period – and as such, signage and literature are the only methods through which he can reach an important subset of the electorate.

The statements in the Campaign Materials do not constitute a "false statement of fact in relation to the personal character or conduct of a candidate" within the meaning of section 307 of the *Elections Act*. There are a myriad of things a governing party can be doing within its legislative jurisdiction to address these issues. If the governing party does not agree that it can do something about waste processing facilities and their impact on residents, it is open to the governing party to respond. That is political debate.

With respect, Elections Nova Scotia is not in a position to label the Campaign Materials as false simply on the basis there is no active application for approval of a waste management facility or by opining that a particular letter constitutes an appropriate response. Candidates and electors are free to comment on activity or inactivity of any government. It is not for Elections Nova Scotia to determine the government is not obligated to address an issue unless it receives a formal application or that a matter "remains with the municipality". These explanatory statements can be and should be made by the Progressive Conservative party in the political arena.

The Elections Nova Scotia Order infringes political speech and is contrary to the right to freedom of expression guaranteed under the Charter. If given the opportunity, the candidate will gladly debate before you whether or not the current government and the current legislation properly address the interests and participatory rights of residents in relation to waste management. This type of debate, however, is not what was intended under section 307 of the *Elections Act*.



Nova Scotia Liberal Party
1400-5151 George Street
Halifax, NS B3J 1M5

As such, Carlo feels it is his duty to represent the genuine wishes of his local community and will continue his campaign until the government commits to implementing a moratorium on the construction of new C&D waste processing facilities.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Gallant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mitchell Gallant
Interim Executive Director
Nova Scotia Liberal Party

