

Effects of Dissolution

Introduction

A Member ceases to be a Member on the day the writs of election are issued. In general, expenses incurred when you are no longer a Member are not authorized expenses under any of the Members' Allowances. There are exceptions for certain ongoing expenses incurred under the Constituency Allowance and the Living Allowance, in an election period. The effects of dissolution on each of the Members' Allowances are described below.

If you do not seek re-election, are not nominated or are defeated, you are unable to incur expenses under the Members' Allowances, other than certain ongoing post-writ expenses.

Constituency Allowance

You may only claim constituency expenses that are **incurred while you are a Member**, i.e. up to the date the writs of election are issued and then from election day on. Expenses incurred during an election period, from the date the writs are issued to election day, **cannot be claimed except for expenses related to the ongoing maintenance of the constituency office.**

During an election period, constituency offices are closed and Members typically enter or access their constituency offices only to the extent of retrieving constituency messages and mail. It is up to you to decide to what extent you will respond to a constituent's request. The telephone message should be changed to reflect that the office is closed during the election period.

If the constituency office is being used for campaign purposes, then **no** ongoing maintenance expenses can be claimed. **No** Legislative Assembly capital items (office equipment and furniture) and **no** equipment rentals or office supplies purchased with a Members' Constituency Allowance can be used. These must all be stored. You would then be responsible for paying out of pocket, all ongoing and any other constituency office expenses including storage of office equipment and furnishings if necessary, while the office is being used for campaign purposes. LAMC recommends that Members not use their constituency offices as campaign offices.

Although you may claim constituency expenses up to the date the writs are issued, advertising expenses that are published or broadcast after the writs are issued are not allowable expenses. Members should be cautious to end advertising under the Constituency Allowance before that date.

Ongoing Expenses - Subject to the balance remaining in the Member's Constituency Allowance, the following ongoing expenses can be claimed **as long as the constituency office is not being used for any campaign purposes:**

- office rent and insurance.
- office utilities for hydro, gas, water, cable television, ongoing contracts for office maintenance and janitorial charges.
- non-partisan constituency office sign rental.
- office equipment and furnishing rental expenses, such as for rental of computers, photocopiers and water coolers.
- office telephone and telephone answering machine rental charges and internet access. **No** long distance charges may be claimed.
- ongoing maintenance of a non-partisan constituency office website. No design or development expenses may be incurred or claimed.
- bank charges for a single bank account up to \$100.00 per month.
- expenses for moving the contents of the constituency office, if a Member does not seek re-election or is not re-elected.

Blackberry and Cell Phone Charges - **No** monthly rental costs, long distance or any other charges can be claimed for any Member's or **Constituency Assistant's** cell phone or Blackberry issued through the MLA Blackberry plan. During an election period, **Members are personally responsible for all cell phone or Blackberry charges** incurred from the date the writs are issued to election day.

Where a Member's or **Constituency Assistant's** cell phone or Blackberry issued through the MLA Blackberry plan **is not** being used in an election, the cell phone or Blackberry may be turned in to the Members' Allowances Office when the writ is issued. The Members' Allowances Office will then pay the cell phone or Blackberry charges during the election period when turned in.

A Member who is not seeking re-election must turn in any cell phone or Blackberry that comes under the MLA Blackberry plan on the day the writs are issued. Otherwise, the Member is personally responsible for all charges related to that cell phone or Blackberry from the date the writs are issued to the day the cell phone or Blackberry is turned into the Members' Allowances Office.

A Member, who is defeated, must turn in any cell phone or Blackberry that comes under the MLA Blackberry plan the day after election day. Otherwise, the Member is personally responsible for all charges related to that cell phone or Blackberry from election day to the day the cell phone or Blackberry is turned into the Members' Allowances Office.

Capital (office equipment and furniture) - Capital purchased with a Member's Constituency Allowance is the property of the Legislative Assembly. In accordance with the *Members' Allowances Regulation*, when you cease to be a Member, all capital items must be left for the incoming Member or returned unless other arrangements have been made with the Members' Allowances Office. Capital items will be evaluated and appropriate arrangements regarding the reassignment, disposition and/or return of capital will be made.

Members who are not seeking re-election will be contacted when the writs are issued regarding capital items and Members who are not re-elected will be contacted after election day.

Please note the following timelines concerning ongoing expenses:

- a) If the Member is not re-elected, then the ongoing maintenance expenses may be incurred up to the end of the second month after the month in which election day occurred. This gives a Member who is defeated time to wind up his or her constituency office after election day. A Member who is not a candidate in the election will likely have wound up his or her constituency office well before this. Any contracts or leases entered into by the Member should have the necessary cancellation clauses. Ongoing expenses incurred during the election period are **not claimable if the constituency office was used in the Member's election campaign.**
- b) If the Member is re-elected, only ongoing maintenance expenses may be incurred during the election period. These expenses are **not claimable if the constituency office was used in the Member's election campaign.** After election day, other constituency expenses may be incurred but only the balance

remaining of the re-elected Member's Allowance is available for the remainder of the fiscal year. Re-elected Members are treated as if there had been no election. There is no double qualifying for expenses.

Constituency Assistants Allowance

Constituency staff salaries are only claimable for hours worked while the Employing Member is a Member. In a General Election, all regular Constituency Assistants are laid off effective the day after the writs of election are issued. This lay-off is temporary if the Member is re-elected on election day and permanent if the Member is not re-elected. Re-elected Members may resume claiming constituency staff salaries for hours worked after election day.

All regular Constituency Assistants will automatically receive four weeks' pay, based on their average weekly hours, in lieu of notice of the lay-off. This pay is considered a benefit expense and not subject to the bi-weekly maximum for salary expenses. All regular Constituency Assistants will each receive a Record of Employment indicating lay-off due to a shortage of work.

Constituency Assistants who are eligible for the AHSP, Dental Plan, Vision Care Plan, Drug Care Plan and the Health Spending Account continue to have coverage for 30 days after lay-off. Other benefits may also continue upon prepayment of premiums by the Constituency Assistant during temporary lay-off status.

If the Employing Member ceases to be a Member, a Regular Constituency Assistant with at least one year of continuous service is entitled to one week's pay (Severance Pay) per year of continuous service to a maximum of eight week's pay. If the Constituency Assistant has worked part-time, one week's pay is based on normal or average part-time pay. This pay is considered a benefit expense and not subject to the bi-weekly maximum for salary expenses.

Travel Allowance

You may only claim travel expenses that are **incurred while you are a Member**, i.e. up to when the writs of election are issued and then from election day. No expenses during an election period can be claimed. Re-elected Members are treated as if there had been no election. There is no double qualifying for expenses.

Commuter Allowance

Eligible Members may only claim commuting and contingency stay expenses that are **incurred while you are a Member**, i.e. up to when the writs of election are issued and then from election day. No expenses during an election period can be claimed. With regard to the **maximum claimable** for commuting and contingency stay expenses in any week or legislative session respectively, re-elected Members are treated as if there had been no election. There is no double qualifying for expenses.

Living Allowance

Eligible Members may only claim temporary residence expenses or second-owned residence expenses and living expenses that are **incurred while you are a Member**, i.e. up to when the writs of election are issued and then from election day.

The exception is for certain expenses related to the ongoing maintenance of the temporary or second-owned residence, subject to the monthly balance available. Ongoing expenses can be claimed as long as the temporary or second-owned residence is not being used for any campaign purposes.

For **rented residences**, the following ongoing temporary residence expenses (or as a living expense, if noted) may be claimed:

- rent for your rental accommodation.
- parking space if not included in the rent.
- utilities including electricity, water, gas and cable television.
- telephone rental, answering service and internet access. Note: telephone expenses may be claimed as a temporary residence expense or as a living expense. **No** long distance charges may be claimed. **No** expenses related to cell phones or Blackberries may be claimed.
- furniture rental expenses.
- insurance premiums, prorated monthly. Note: insurance premiums may be claimed as a temporary residence expense or as a living expense.

- moving expenses, if you cease to be a Member. Note: moving expenses may be claimed as a temporary residence expense or as a living expense.

For **second-owned residences**, the following ongoing temporary residence expenses may be claimed:

- property taxes, prorated monthly.
- mortgage interest.
- monthly common element fees, if the residence is a condominium.
- utilities including electricity, water, gas and cable television.
- telephone rental, answering service and internet access. Note: telephone expenses may be claimed as a temporary residence expense or as a living expense. **No** long distance charges may be claimed. **No** expenses related to cell phones or Blackberries may be claimed.
- insurance premiums, prorated monthly. Note: insurance premiums may be claimed as a temporary residence expense or as a living expense.
- moving expenses, if you cease to be a Member. Note: moving expenses may be claimed as a temporary residence expense or as a living expense.

These ongoing expenses can only be claimed as long as the temporary or second-owned residence is not being used for any campaign purposes.

Please note the following timelines concerning ongoing expenses:

- a) If the Member is not re-elected, then the ongoing maintenance expenses may be incurred (subject to the monthly maximum) up to the end of the second month after the month in which election day occurred. This gives a Member who is defeated time to wind up his or her temporary residence after election day. A Member who is not a candidate in the election will likely have wound up his or her temporary residence well before this. Any contracts or leases entered into by the Member should have the necessary cancellation clauses. The expenses are not claimable if the temporary residence was used in the Member's election campaign.
- b) If the Member is re-elected, only ongoing maintenance expenses may be incurred during the election period. These expenses are not claimable if the temporary residence was used in the Member's election campaign. After election day, other temporary residency

expenses may be incurred but expenses are subject to the monthly maximum provided for temporary residence expenses and living expenses.

- c) With regard to the monthly maximum claimable for temporary residence expenses and living expenses in the fiscal year in which an election is held, re-elected Members are treated as if there had been no election. There is no double qualifying for expenses.

Alternate Living Allowance

Eligible Members may only claim overnight stay expenses that are **incurred while you are a Member**, i.e. up to when the writs of election are issued and then from election day. No expenses during an election period can be claimed. With regard to the **maximum claimable** of 8 overnight stay per month, re-elected Members are treated as if there had been no election. There is no double qualifying for expenses.

Intersessional Committee Allowance

A Member may only claim intersessional committee expenses that are incurred while he or she is a Member, i.e. up to when the writs of election are issued and then from election day. No expenses during an election period can be claimed.

Printing and Mailing Allowances (Franking Privilege)

A Member may only claim printing and mailing expenses that are **incurred prior to the 60 day period before an election day for a general election held on a fixed date. Please note that a franking mailing must be at Canada Post prior to the 60 day period in order for the franking to be mailed and the mailing expense to be claimable.** Re-elected Members may again incur printing and mailing expenses after election day.

With regard to the **maximum entitlement** for printing and mailing expenses in the fiscal year, re-elected Members are treated as if there had been no election. There is no double qualifying for expenses.

Telephone Calling Cards

All Members may have telephone calling cards to be used for long distance charges. When the writs of election are issued, Members **must return** their telephone calling cards to the Members' Allowances Office, Room 9B, Legislative Building. Members of the Executive Council have cards issued through their individual departments.

If a re-elected Member chooses to continue with a calling card, the calling card can be returned to the Member.