

Amendment to Bylaw No. 8491: The Campaign Disclosure and Spending Limits Bylaw, 2006

ISSUE

The City Solicitor's Office has been instructed to make numerous amendments to Bylaw No. 8491, *The Campaign Disclosure and Spending Limits Bylaw, 2006*. The substance of the amendments arises from a number of sources, including recommendations from the Saskatoon Municipal Review Commission, Municipal Elections Committee, engagement with the Municipal Election Disclosure Complaints Officer and a general review of all City Bylaws to modernize the references and language, including the use of gender neutral language. A comprehensive amending bylaw, Bylaw No. 9603, *The Campaign Disclosure and Spending Limits Amendment Bylaw, 2019* is being presented for City Council's consideration.

RECOMMENDATION

That City Council consider Bylaw No. 9603, *The Campaign Disclosure and Spending Limits Amendment Bylaw, 2019*.

BACKGROUND

Bylaw No. 8491, *The Campaign Disclosure and Spending Limits Bylaw, 2006* (the "Bylaw") was the subject of a review by the Saskatoon Municipal Review Commission, Municipal Elections Committee ("SMRC"). A report of the SMRC was considered by City Council at its Regular Business Meeting on June 26, 2017, and it was resolved that the report from the SMRC "be referred to the Governance and Priorities Committee for discussion and to the Administration for review and written comment to the same meeting of the Governance and Priorities Committee". The Governance and Priorities Committee considered a report from the Administration at its meeting held on May 22, 2018. City Council considered the Administration's report at its Regular Business Meeting on May 28, 2018, and resolved, in part:

- "1. That the City Solicitor be instructed to redraft Parts I & II of The City of Saskatoon Bylaw No. 8491: The Campaign Disclosure and Spending Limits Bylaw, 2006 in accordance with the Administration's recommendations outlined in the report of the City Solicitor and City Clerk dated May 22, 2018; ...".

At its Regular Business Meeting on August 29, 2019, City Council considered a report from the City Solicitor regarding further amendments to the Bylaw in response to interviews with Professor Courtney and Mr. Neil Robertson, Q.C. regarding the 2016 Saskatoon Municipal Election Disclosure Complaints. City Council resolved:

“That the City Solicitor be instructed to amend Bylaw No. 8491, *The Campaign Disclosure and Spending Limits Bylaw, 2006* in accordance with Option 1 outlined in the report of the City Solicitor dated August 19, 2019”.

DISCUSSION/ANALYSIS

The substance of the amendments arising from the SMRC review and recommendations are mainly to Parts I and II of the Bylaw, with corresponding changes to the Schedules attached to the Bylaw. The proposed amendments arising from the 2016 City of Saskatoon Municipal Election Disclosure Complaints experience are mainly to Part III of the Bylaw. In accordance with the direction of City Council, a new Schedule E to the Bylaw, Election Disclosure Complaint Form, was also created.

In summary, the main substantive amendments include:

- A new definitions section which has been rewritten to clarify and move around definitions in the Bylaw. Substantive changes to the definitions in the Bylaw include clarifying the definition of donation in kind, which in turn affects the definitions of campaign contribution and campaign expense and amending the definition of “election advertising” to clarify that voluntary statements made by an individual endorsing the candidate without compensation are excluded from the definition;
- Specifically identifying the responsibilities of an official agent;
- Clarifying the rules related to fundraising events;
- Specifying that complaints submitted under Part III may not be anonymous; and
- Introducing the concept of an Election Disclosure Complaint Form.

Finally, housekeeping amendments are also contained in the amendments to clean up the language in the Bylaw including references to legislation and ensuring the Bylaw reflects gender neutral language.

All amendments have been included in a single comprehensive amending bylaw, Bylaw No. 9603, *The Campaign Disclosure and Spending Limits Amendment Bylaw, 2019*, for City Council’s consideration.

NEXT STEPS

Once the Bylaw amendments have been approved, the City Clerk’s Office will ensure that appropriate communications related to the changes ensues.

APPENDICES

1. Proposed Bylaw No. 9603, *The Campaign Disclosure and Spending Limits Amendment Bylaw, 2019*.

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Report Approval

Written by: Christine G. Bogad, Director of Legal Services

Approved by: Cindy Yelland, City Solicitor

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