

BYLAW NO. 9603

The Campaign Disclosure and Spending Limits Amendment Bylaw, 2019

The Council of the City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Campaign Disclosure and Spending Limits Amendment Bylaw, 2019*.

Purpose

2. The purpose of this Bylaw is to amend *The Campaign Disclosure and Spending Limits Bylaw, 2006* to:
 - (a) make changes recommended by the Municipal Review Commission and approved by Council, including:
 - (i) changing references of GST to applicable taxes;
 - (ii) clarifying the cumulative campaign contribution limit for reporting as \$100.00 or more;
 - (iii) setting out duties of the official agent appointed by a candidate for mayor;
 - (iv) clarifying the rules relating to fundraising events including creating a schedule to report event revenues and expenses; and
 - (v) updating and revising Schedules “A” to “C”;
 - (b) clarifying that voluntary statements made by an individual on a non-commercial basis do not fall within the definition of election advertising;
 - (c) making changes to the complaint process, including:
 - (i) creating a complaint form;
 - (ii) requiring the complainant’s email address as part of the information submitted in the complaint; and

- (iii) clarifying that anonymous complaints are not permitted; and
- (d) making housekeeping amendments, including those to reflect gender neutral language.

Bylaw No. 8491 Amended

- 3. Bylaw No. 8491, *The Campaign Disclosure and Spending Limits Bylaw, 2006* is amended in the manner set forth in this Bylaw.

Preamble Amended

- 4. Paragraph 1 of the Preamble is amended by striking out “S.S. 1982-83-, c. L-30.1” and substituting “2015, S.S. c. L-30.11”.

Section 2 Amended

- 5. Section 2 is repealed and the following substituted:

“Definitions

- 2. In this Bylaw:

- (a) “campaign contribution” means money paid, loans given and the value of donations in kind provided to or for the benefit of a candidate during the campaign contribution period for the purpose of financing an election campaign, including revenue raised from a fundraising event by the sale of tickets or otherwise;
- (b) “campaign contribution period” means:
 - (i) in the case of a general election, the period between January 1 of the year following the preceding general election and ending on December 31 of the year of the next general election; and
 - (ii) in the case of a by-election to fill a vacancy on Council, the period beginning on the day following the meeting at which Council decides to hold the by-election and ending 60 days following election day;
- (c) “campaign expense” means money spent or liabilities incurred, including the cost of goods and services and the value of donations in kind used by or for the benefit of a candidate, during the campaign expenses period for

the purpose of a candidate's election campaign but does not include audit fees;

- (d) "campaign expenses period" means:
 - (i) in the case of a general election, the period beginning on June 1 of an election year and ending on December 15 of the same election year; and
 - (ii) in the case of a by-election to fill a vacancy on Council, the period beginning on the day following the meeting at which Council decides to hold the by-election and ending 10 days following election day;
- (e) "candidate" means a person nominated in accordance with *The Local Government Election Act, 2015*;
- (f) "Chartered Professional Accountant" means a member in good standing of the Institute of Chartered Professional Accountants of Saskatchewan;
- (g) "City" means the City of Saskatoon;
- (h) "Clerk" means the City Clerk of the City of Saskatoon appointed pursuant to Section 85 of *The Cities Act*;
- (i) "contributor" means an individual, organization or corporation providing a campaign contribution;
- (j) "Council" means the Council of the City of Saskatoon;
- (k) "CPI" means the Statistics Canada Consumer Price Index;
- (l) "donation in kind" means the fair market value, at the time of the donation, of goods and services provided to or for the benefit of a candidate without compensation from the candidate and includes:
 - (i) services of an employee provided by a contributor for which the employee receives payment from the contributor;
 - (ii) goods provided by a contributor who is a commercial supplier of the goods; and
 - (iii) services provided by a contributor who is a commercial or occupational supplier of the services;

but does not include:

- (i) money; or
 - (ii) volunteer labour or services;
- (m) “election advertising” means the transmission to the public, by any means, of an advertising message that promotes or opposes the election of a candidate and includes advertising in which the candidate’s name or image is predominately featured promoting, sponsoring, endorsing or launching any project or enterprise if, in the opinion of the Election Disclosure Complaints Officer, it can reasonably be inferred that the message is intended to promote the election of that candidate but shall not include:
- (i) advertising done in the ordinary course of the candidate’s business;
or
 - (ii) voluntary statements made by an individual endorsing the candidate without compensation;
- (n) “fundraising event” means an event or activity held for the purpose of raising funds for a candidate by whom or on whose behalf the event or activity is held;
- (o) “registered charity” means a registered charity as defined in the *Income Tax Act*;
- (p) “Returning Officer” means a returning officer as defined in *The Local Government Election Act, 2015*; and
- (q) “volunteer labour or services” means labour or services provided for no remuneration but does not include labour or services provided by an individual if:
- (i) the individual is self-employed and the labour or services provided are normally sold or otherwise charged for by that individual; or
 - (ii) the individual is being paid by an employer, individual or organization for providing the labour or services.”

Heading Part II Election Expenses and Contributions Amended

6. The heading “**Part II Election Expenses and Contributions**” is struck out and “**Part II Campaign Expenses and Contributions**” substituted.

Section 3 Amended

7. (1) Subsection 3(1) is amended by striking out “election” and substituting “campaign”.
- (2) Subsection 3(2) is amended by:
- (a) adding “election” after “preparation of”; and
 - (b) striking out “election expenses” and substituting “campaign expenses”.

Section 3.1 Amended

8. (1) Subsection 3.1(1) is amended by striking out “Mayor or Councillor” and substituting “mayor or councillor”.
- (2) Subsection 3.1(2) is repealed and the following substituted:

“(2) The maximum allowable campaign expenses of a candidate for mayor shall be determined by application of the following formula:

$$\text{MCE} = \$0.75 \times (\text{IE} \div \text{IB}) \times \text{P}$$

where: MCE = expenses of candidate for mayor

\$0.75 = allowable campaign expense per capita

IE = CPI for the City up to March 1 in an election year

IB = CPI for the City for 2012 up to October 1

P = total population of the City as established by the most recent municipal wards commission

(IE ÷ IB) to be rounded to two decimal places”.

- (3) Subsection 3.1(3) is amended by:
- (a) striking out “Councillor” and substituting “councillor”; and
 - (b) striking out “maximum allowable expenses of a mayoralty candidate as established” and substituting “amount determined”.

Section 3.2 Amended

9. (1) Subsection 3.2(2) is amended by striking out “his or her” and substituting “their”.
- (2) The following is added after subsection 3.2(2):

“(2.1) The official agent appointed by a candidate for mayor in an election is responsible for:

 - (a) receiving all campaign contributions made to or for the benefit of the candidate;
 - (b) authorizing all campaign expenses of the candidate;
 - (c) ensuring that:
 - (i) accurate records are kept of the campaign contributions and campaign expenses;
 - (ii) campaign contributions that are not donations in kind are:
 - (A) deposited in an account used solely for the purpose of holding campaign contributions; and
 - (B) used only for the purpose of the election campaign of the candidate;
 - (iii) accurate receipts for campaign contributions are issued and provided to contributors;
 - (iv) the Audited Statement of Campaign Contributions and Campaign Expenses required by Section 6 of this Bylaw is prepared;
 - (v) all financial records of the election campaign are retained for not less than two years after the election and are made available on request to the Returning Officer;
 - (vi) all payments relating to or arising out of the election campaign are made only by cheque drawn on the account referred to in paragraph 2.1(c)(ii)(A);

- (vii) anonymous contributions are not used or spent in the campaign, but are donated to a registered charity of the candidate's choice within 30 days of receipt of the campaign contribution in accordance with Section 9; and
 - (viii) any campaign contribution accepted by or on behalf of the candidate that is contrary to this Bylaw is returned to the contributor within 30 days of receipt of the contribution."
- (3) Subsection 3.2(3) is amended by striking out "from responsibility for compliance" and substituting "of the responsibility to comply".

Section 4 Amended

10. Subsection 4(1) is amended by adding ", including a candidate for mayor," after "Council".

Section 5 Amended

11. Section 5 is repealed and the following substituted:

"Candidate's Statement of Campaign Expenses/Contributions

- (1) A candidate shall disclose campaign contributions and expenses in accordance with this Section.
- (2) A candidate shall file a Statement of Campaign Expenses/Contributions with the Returning Officer:
 - (a) in the case of a candidate for mayor, within four months following the date of the general election or by-election; and
 - (b) in the case of a candidate for councillor, within three months following the date of a general election or by-election.
- (3) The Statement of Campaign Expenses/Contributions shall include:
 - (a) a Statutory Declaration in writing in the form prescribed in Schedule "A";
 - (b) an accounting of revenues and expenses relating to fundraising events in the form prescribed in Schedule "B";

- (c) a list in writing in the form prescribed in Schedule “C” that shall include, in relation to campaign contributions:
 - (i) the name of each contributor whose cumulative campaign contribution amounted to \$100.00 or more;
 - (ii) the cumulative amount that each of the named contributors has given to the candidate; and
 - (iii) if no contributor’s cumulative campaign contribution amounted to \$100.00 or more, a notation to that effect; and
- (d) a list of all campaign contributions and expenses, a full accounting of revenues and expenses relating to fundraising events, details of donations in kind and loans received for the purposes of an election campaign in the form prescribed in Schedule “D”.

Section 6 Amended

- 12. (1) Section 6 is amended by:
 - (a) striking out “Revenues” and substituting “Contributions” wherever it appears;
 - (b) striking out “C” and substituting “D” wherever it appears; and
 - (c) striking out “GST” and substituting “applicable taxes” wherever it appears.
- (2) Subsection 6(3) is amended by:
 - (a) striking out “mayoralty” and adding “for mayor” after “candidate” and before “files”; and
 - (b) in clause 6(3)(a):
 - (i) striking out “where” and substituting “if”; and
 - (ii) striking out “or” after “\$750.00” and substituting “and”;
 - (c) in clause 6(3)(b):
 - (i) striking out “where” and substituting “if”; and
 - (ii) striking out “or” after “\$2,000.00” and substituting “and”.

- (3) Subsection 6(4) is amended by striking out “paragraphs 3(a) and (b)” and substituting “subsection (3)”.

Section 8 Amended

13. Section 8 is repealed and the following substituted:

“Fundraising Events

8. (1) A fundraising event may only be held during the campaign expenses period.
- (2) All campaign contributions received at and all campaign expenses relating to fundraising events must be included in the Fundraising Events Income Statement (Schedule “B”).
- (3) Costs and expenses relating to a fundraising event shall not be considered a campaign expense for the purposes of calculating a candidate’s maximum allowable campaign expense.
- (4) Receipts must be issued for:
 - (a) all funds received at or relating to a fundraising event, including tickets purchased, goods and services purchased, money given in response to a general collection and money solicited from persons in attendance; and
 - (b) all expenses relating to a fundraising event.
- (5) If the price of a ticket to a fundraising event exceeds the cost per ticket of the event, the excess shall be considered a campaign contribution. If that excess is \$100.00 or more, the name of the purchaser of the ticket shall be included in the list of campaign contributors in Schedule “C”.
- (6) The name of every person who contributes \$100.00 or more in response to a general collection or solicitation of money at a fundraising event shall be included in the list of campaign contributors in Schedule “C”.
- (7) If goods or services are purchased at a fundraising event for an amount that is in excess of fair market value, the excess shall be considered a campaign contribution. If the excess is \$100.00 or more, the name of the purchaser of the goods or services shall be included in the listing of campaign contributors in Schedule “C”.

- (8) The Clerk or any other person appointed by Council shall have the authority to audit a candidate's records relating to fundraising events."

Section 9.1 Amended

14. Section 9.1 is amended by:

- (1) striking out "Election Expenses/Contributions" and substituting "Campaign Expenses/Contributions"; and
- (2) striking out "attached hereto and marked as Schedule "A"" and substituting "(Schedule "A")".

Section 10 Amended

15. (1) Section 10 is amended by striking out "3" and substituting "3.1" wherever it appears.
- (2) Subsection 10(5) is amended by striking out "Statement of Campaign Contributions and Expenses" and substituting "Statement of Campaign Expenses/Contributions".

Section 10.1 Amended

16. Section 10.1 is amended by:

- (1) striking out "the office of councillor or mayor pursuant to section 46.1 of *The Local Government Election Act*" and substituting "councillor or mayor pursuant to Section 68 of *The Local Government Election Act, 2015*"; and
- (2) striking out "business manager" and substituting "official agent".

Section 15 Amended

17. (1) Subsection 15(1) is amended by striking out "election" and substituting "campaign".
- (2) Subsection 15(2) is amended by striking out "him or her to carry" and substituting "in carrying".

Section 16 Amended

18. Section 16 is repealed and the following substituted:

“Complaint

16. (1) A complaint that a candidate has filed a false, misleading or incomplete disclosure of campaign contributions or expenses shall be submitted in writing in the form prescribed in Schedule “E”.
- (2) The complaint form shall contain the:
- (a) name, mailing address, telephone number and email address, if one is available, of the complainant;
 - (b) name of the candidate who is the subject of the complaint;
 - (c) nature of the complaint and the material facts upon which the complaint is made; and
 - (d) name, address and telephone number of any person that may have information that will assist in the investigation of the complaint.
- (3) A complaint pursuant to subsection (1) shall be filed with the Clerk.
- (4) Upon receipt of a complaint, the Clerk shall forward the complaint to the Election Disclosure Complaints Officer.
- (5) Anonymous complaints shall not be accepted or forwarded by the Clerk to the Election Disclosure Complaints Officer.”

Section 17 Amended

19. Section 17 is amended by striking out “election” and substituting “campaign”.

Section 20 Amended

20. Clause 20(1)(a) is amended by striking out “Election Expenses/Contributions pursuant to subsection 5(2)” and substituting “Campaign Expenses/Contributions pursuant to Section 5”.

Schedule “A” Amended

- 21. Schedule “A” is repealed and the schedule marked as Schedule “A” to this Bylaw is substituted.

Schedule “B” Amended

- 22. Schedule “B” is repealed and the schedule marked as Schedule “B” to this Bylaw is substituted.

Schedule “C” Amended

- 23. Schedule “C” is repealed and the schedule marked as Schedule “C” to this Bylaw is substituted.

Schedule “D” Added

- 24. Schedule “D” to this Bylaw is added as Schedule “D” to Bylaw No. 8491.

Schedule “E” Added

- 25. Schedule “E” to this Bylaw is added as Schedule “E” to Bylaw No. 8491.

Coming into Force

- 26. This Bylaw shall come into force on the day of its final passing.

Read a first time this _____ day of _____, 2019.

Read a second time this _____ day of _____, 2019.

Read a third time and passed this _____ day of _____, 2019.

Mayor

City Clerk

Schedule "A"

Statutory Declaration of Candidates for Municipal Office within the City of Saskatoon with Campaign Contributions and Campaign Expenses

I, _____ of _____
(name) (address)

in the Province of Saskatchewan, do solemnly declare that:

1. I was a candidate for the position of mayor/councillor for the City of Saskatoon in the election held on the _____ day of _____, 20____.
2. The following is a true account of all the campaign contributions and campaign expenses of my election campaign in respect of the election described in paragraph 1.

(a)	Campaign Contributions - excluding Fundraising Revenues	\$ _____
(b)	Campaign Expenses - excluding Fundraising Expenses	\$ _____
(c)	Net Fundraising Revenues (Expenses)	\$ _____
	Surplus (Deficit)	\$ _____

3. I intend to use the surplus as follows:

- Personal use
- Charitable donation - Specify: _____
- Other - Specify: _____
- N/A

4. I have no reason to believe that any campaign expenses other than those listed above have been expended by me or with my authority and consent or by any person for the purpose of assisting me in the election.
5. I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at Saskatoon, in
the Province of Saskatchewan
this _____ day of _____, 20____

(Signature of Candidate)

(to be declared before a Justice of the Peace,
Notary Public, or a Commissioner of Oaths, etc.)

Schedule "B"

Fundraising Events Income Statement

(Attach a separate Schedule for each event held)

Fund Raising Event

Date: _____

Location: _____

Type of Event: _____

Admission Charge (per person) \$ _____ A

Number of Tickets Sold _____ B

Ticket Revenue from Event (A x B) \$ _____

Other Revenue (Please Specify)

Total Gross Revenue: \$ _____

*If admission charge per person is not consistent, please provide complete breakdown of all ticket sales

Expenses (Please Specify)

Total Expenses: \$ _____

Net Fundraising Revenue (Expenses) \$ _____

Schedule "D"

Statement of Campaign Contributions and Campaign Expenses

Candidate Name: _____

Campaign Period Contributions (excluding fundraising revenues):

Personal Contributions _____
 Cash Donations _____
 Donations in Kind _____
 Loans _____

Total Campaign Contributions (Report on Schedule "A") \$ _____
Other Revenues (i.e. interest) _____

Campaign Period Expenses (excluding fundraising expenses):

Nomination Deposit _____
 Advertising/Printing _____
 Office/Facility Space Rental _____
 Office Administration _____
 Office Supplies & Equipment _____
 Electoral Materials (i.e. maps, list of Electors) _____
 Food & Beverages/Entertainment _____
 Telephone/Communications/Utilities _____
 Insurance _____
 Distribution/Postage _____
 Transportation _____
 Record Keeping Costs _____
 Signs & Posters _____
 Canvassers _____
 Other (detail) _____

Total Campaign Expenses (Report on Schedule "A") \$ _____
Net Fundraising Revenues (Expenses) (Report on Schedule "B") \$ _____
Surplus (Deficit) (Report on Schedule "A") \$ _____

Attestation of the Candidate

I declare that the above statement is a true account of all campaign contributions received and campaign expenses incurred by me or by my agent on my behalf.

Signature of Candidate: _____ Date: _____

Statement of Auditor

(To be Completed on Behalf of Candidate for Mayor Only)

I declare that I have audited the above Statement in accordance with generally accepted auditing standards. In my opinion this Statement fairly presents the candidate's campaign contributions and expenses.

Signature of Auditor: _____ Date: _____

Name and Qualifications of Auditor: _____

Schedule "E"

Election Disclosure Complaint Form

Making a Complaint

Fully completed Election Disclosure Complaint Forms, with all supporting documentation, must be provided to the City Clerk's Office. The City Clerk will forward this Form and the details of the complaint to the Election Disclosure Complaints Officer in accordance with Part III of Bylaw No. 8491, *The Campaign Disclosure and Spending Limits Bylaw, 2006*. Anonymous complaints will not be accepted or forwarded by the City Clerk's Office to the Election Disclosure Complaints Officer.

Where to Send Your Complaint

Send your complaint by mail: City Clerk's Office 222 – 3 rd Avenue North Saskatoon SK S7K 0J5	Send your complaint by email: City Clerk's Office general email address: city.clerks@saskatoon.ca Subject heading must say: Election Campaign Disclosure Complaint
Send your complaint by fax: City Clerk's Office general fax: 306-975-2784 Subject heading must say: Election Campaign Disclosure Complaint	If you have any questions on submission of your complaint, please contact the City Clerk's Office at 306-975-3240

Contact Information of Complainant

Anonymous complaints will not be considered or investigated.

First Name:		Last Name:	
Address:			
City:	Province:	Postal Code:	
Home Phone:	Business Phone:	Cell Phone:	
Email Address:			

Name of the Candidate Who is the Subject of the Complaint

Please enter the first and last name of the candidate who is the subject of the complaint below. One complaint is allowed per Complaint Form.

First Name:	Last Name:
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Details of the Complaint

Nature of complaint (Please include as much detail as possible including the nature of the complaint and the material facts on which the complaint is made. Please make reference to the section of Bylaw No. 8491, <i>The Campaign Disclosure and Spending Limits Bylaw, 2006</i> under which the complaint is being brought).

Witnesses or Individuals to Assist in Investigation of Complaint

Please insert the name(s) and contact information of any person that may have information to assist in the investigation of the complaint.

First Name:	Last Name:	
Address:		
City:	Province:	Postal Code:
Home Phone:	Business Phone:	Cell Phone:
Email Address:		

First Name:		Last Name:
Address:		
City:	Province:	Postal Code:
Home Phone:	Business Phone:	Cell Phone:
Email Address:		

First Name:		Last Name:
Address:		
City:	Province:	Postal Code:
Home Phone:	Business Phone:	Cell Phone:
Email Address:		

List of Enclosed Supporting Documents

Please include copies, not originals, of any documents in support of your complaint. Please list the documents enclosed below:

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Complainant's Signature

Date