

Administration Comments - Report from the Saskatoon Municipal Review Commission – 2021 Municipal Election

ISSUE

The Saskatoon Municipal Review Commission (SMRC) presented a report to Council in June of 2021 containing recommendations related to the administration of the City of Saskatoon's municipal election process and highlighting some of the challenges encountered in the 2020 general municipal election. What changes are necessary to improve transparency and efficiency in the City's municipal election process?

BACKGROUND

History

At its Regular Business Meeting on [June 21, 2021](#) the Governance and Priorities Committee (GPC) received a report from the Returning Officer reviewing the 2020 civic election. The report identified five main election activity areas that generated the most attention from voters, candidates, and election administrators:

1. Election dates
2. Mail-in ballots
3. Advance polls
4. Legislative flexibility
5. Candidate behaviour

GPC received the Returning Officer's report for information.

At its Regular Business Meeting on [June 28, 2021](#) City Council received a report from the SMRC (Appendix 1). The report provided an analysis on the administration of the 2020 municipal election process. The SMRC provided 17 recommendations intended to bring further clarity to electoral rules and to improve the electoral process.

City Council resolved:

That the Saskatoon Municipal Review Commission – 2021 Municipal Elections Committee Report be referred to the appropriate Governance and Priorities Committee for review and report; and

That City Council send a letter to the Premier, Minister of Government Relations, SUMA and the City Mayor's Caucus to start the process of reviewing the election date to make it earlier in the year.

Current Status

In accordance with City Council's direction, a letter (Appendix 2) was sent on August 4, 2021 from the Mayor's Office to the Premier, the Minister of Government Relations, SUMA and the City Mayor's Caucus requesting that the Province consult with the municipal sector and other relevant stakeholders on the legislated municipal election dates as part of the next review of *The Local Government Election Act, 2015* (LGEA). A response (Appendix 3) was received by the Mayor's Office on August 16, 2021 acknowledging the request and indicating that the Province wants to work with municipalities on election-related reforms.

This report provides comments on the various recommendations of the SMRC for consideration by GPC, as well as those by the Returning Officer where they align. Additional actions for consideration out of the Returning Officer's report (Appendix 4) will be brought forward in separate reports and budget submissions.

Public Engagement

The Administration has not conducted any formal public engagement regarding this matter to date. Residents with comments respecting the 2020 general civic election have been directed to the City Clerk's Office.

In preparation of its report, the SMRC advised that it engaged stakeholders and the public by administering surveys to all election candidates, community associations and community organizations. Candidates were asked about the current election rules and process and the community about voter experience. The comments received helped inform the content of the SMRC report and recommendations.

City of Saskatoon's Current Approach

The municipal election process is under continual scrutiny to improve process efficiency, effectiveness, and transparency. Experiences and lessons learned during each election cycle inform recommendations for change to be implemented in subsequent election cycles.

Approaches in Other Jurisdictions

To inform its report and as part of its due diligence, the SMRC conducted a comparative review of the rules governing election campaigns and policy changes in Canadian municipalities. To the extent this information was used to inform the SMRC recommendations, the Administration also considered this information in its comments.

OPTIONS

The Administration reviewed the SMRC report and recommendations and makes the following comments respecting each of the 17 recommendations. Where appropriate, options to the recommendation have been provided for GPC's consideration.

The SMRC recommendations are grouped under the following categories:

1. Election Time Period
2. Electoral Finance
3. Late Filings of Disclosure Statements
4. Administration of the Election

Election Time Period

Recommendation #1 – Commencement and Duration of the Campaign Period

That the City approach the Provincial Government to discuss amendments to *The Local Government Election Act, 2015* (LGEA) regarding a move of municipal elections to a time period that is away from federal, provincial, and United States federal elections.

The Administration agrees that change to election dates should be pursued to help mitigate the challenges associated with unpredictable weather and proximate provincial and municipal election dates. The comments of the SMRC align with the feedback received from the Returning Officer in his report of June 21, 2021.

In accordance with City Council's direction, a letter was submitted by the Mayor's Office to the Premier, Minister of Government Relations, SUMA and the City Mayor's Caucus requesting consultation on the existing legislated election dates to help mitigate challenges and foster local democracy. The response letter indicates that the City should discuss with other cities, SUMA, and other associations to obtain consensus on changes to local elections.

Recommendation #2 – Communications and Constituency Relations Allowance

That the City demonstrates fairness and transparency, by:

(a) conducting a review of monthly CCCRA spending patterns to determine how the allowance has been used since its creation, and if there is a pattern of higher end-of-term spending;

(b) adjusting the CCCRA allowance to reflect current City expectations and usage patterns;

(c) addressing potential incumbent advantage in an election year by amending Policy C01-027 Section 3.1, splitting access to the CCCRA into consistent, quarterly increments over an annual period, and restricting amounts expensed to match the amount accessible in each time period;

(d) ensuring that the 2024 Candidate’s Guide addresses perception of incumbent advantage.

The recommendations provided for in clauses (a) through (c) are policy decisions for City Council. The Administration agrees with the principle that fairness and transparency need to be demonstrated by the City in the use of monetary allowances provided by the City to incumbent members of City Council, especially during the election process. Therefore, the Administration supports a review of monthly communications and constituency relations allowance (CCCRA) spending patterns. Whether amendments to Policy No. C01-027, The Communications and Constituency Relations Allowance Policy, to address recommendations (b) and (c) are warranted may be better informed after the review.

While Policy No. C01-027 itself does not contain a set of rules for use of the CCCRA funds leading up to a general election except as provided for in clause 3.1(g); “In the year of a civic election, the allowance cannot be used from September 1 through October 31”, incumbent members of City Council are also subject to Bylaw No. 9537, *The Code of Ethical Conduct for Members of City Council Bylaw, 2019* (Bylaw 9537), which contains a more comprehensive set of rules to be followed leading up to a general civic election, including the use of City funds and resources. The Administration therefore recommends that a review of CCCRA spending patterns proceed, but that amendments to Policy No. C01-027 be revisited after the review is completed.

The Administration agrees that the 2024 Candidate Guide should include a more comprehensive section to address the perception of incumbent advantage and will endeavour to update the materials appropriately.

No Recommendation – Campaign Contribution and Expense Periods

In its report under this category, the SMRC comments on the campaign contribution and expense periods provided for in Bylaw No. 8491, *The Campaign Disclosure and Spending Limits Bylaw, 2006* (Bylaw 8491), and concludes that no change is required. Currently, the campaign contribution period commences January 1 of the year following a general municipal election and ends on December 31 of the year of a general municipal election. The campaign expenses period runs from June 1 to December 15 of the year of a general

municipal election. The SMRC makes no recommendation for change as the surveys of most candidates indicated that these periods are acceptable.

This issue of the appropriate campaign contribution and expense periods has previously been the subject of an SMRC report and City Council discussion. The 2015 Elections Committee Report of the SMRC recommended that the campaign period, contribution period, expense period and nomination period all be defined as June 1 in the year of a general municipal election. At its meeting on February 22, 2016, GPC recommended to City Council that it approve, on a go forward basis, that the expense period be defined as June 1 through December 15 in an election year but that the contribution period not similarly be limited. City Council approved the recommendation of GPC at its meeting held on February 29, 2016.

The Administration is not seeking reconsideration of this decision but is of the view that further clarity with respect to the campaign period is required. This matter continues to be the subject of candidate questions during each election cycle. The Administration is frequently asked by candidates when they can begin to campaign. A defined campaign period may help to alleviate some of the confusion moving forward.

Currently, candidates are advised that the campaign period is not defined and therefore there is no prescribed start date. However, candidates are reminded that campaign expenses cannot be incurred in furtherance of a campaign prior to June 1 in a general election year except in the very limited circumstances of expending money for the preparation of election advertising materials and signs (subsection 3(2), Bylaw 8491).

For the purposes of incumbent members of City Council, Bylaw 9537 applies “to a member throughout the campaign period” (section 63). Campaign period is defined for the purposes of Bylaw 9573 as commencing on “the first of June immediately preceding a general election” (clause 61(a)). To maintain consistency, a definition of “campaign period” could similarly be included in Bylaw 8491. Options for consideration have been provided below:

Option 1: Status Quo

This option would maintain the existing campaign contribution and campaign expense periods and not define “campaign period.”

Advantages

- No amendment to Bylaw 8491 would be required.

Disadvantages

- No defined campaign period will exist.
- Confusion about when campaigning may begin will continue, as will candidate questions in this regard.

Option 2: Amend Bylaw 8491 to include a definition of “Campaign Period” commencing June 1 in a general election year

This option would require an amendment to Bylaw 8491 to add a definition of “campaign period” consistent with the existing definition of “campaign period” contained in Bylaw 9573 applicable to incumbent members of City Council.

Advantages

- Consistency among the rules will exist in the City’s Bylaws.
- Will help alleviate candidate confusion and questions about when campaigning may begin.

Disadvantages

- Requires a bylaw amendment
- Potentially provides less flexibility to candidates as to the start date of their campaign.

Option 3: Amend Bylaw 8491 to include a definition of “Campaign Period” commencing some time period other than June 1

This option would require an amendment to Bylaw 8491 to add a definition of “campaign period” as directed by City Council.

Advantages

- Will help alleviate candidate confusion and questions about when campaigning may begin.

Disadvantages

- Requires a bylaw amendment
- Potentially provides less flexibility to candidates as to the start date of their campaign. Different Bylaws will have different defined dates of campaign period.

For the reasons already described, the Administration recommends Option 2.

Electoral Finance

Recommendation #3 – Audits of Candidates

That the City amend Bylaw No. 8491, Section 6.3(b) to state:

(b) if the campaign expenses are \$5,000.00 or more, the candidate shall receive the lesser of \$3,500.00 and the actual cost of the audit, plus applicable taxes.

Bylaw 8491 currently provides for the reimbursement of audit fees for mayoral candidates in the amount of \$2,000 where campaign expenses of \$5,000 or more are incurred. There is a provision for an inflationary adjustment within the existing Bylaw. For 2020, the adjusted maximum was \$2,274.76. Actual amounts spent on audits in 2020 for mayoral candidates that submitted invoice receipts were \$3,163.50, \$2,775.00, \$2,518.37, and \$499.50.

Whether to increase the amount of reimbursement to \$3,500 as recommended by the SMRC is a policy decision for City Council.

As indicated in the SMRC report, the practice in other jurisdictions varies with respect to the requirement for an auditor or audited statements. As noted, the City of Winnipeg required certified audits of disclosure statements for all candidates. In Ontario, candidates with campaign expenses or contributions totalling more than \$10,000 must have a Certified Professional Accountant (CPA) review financial statements and provide a report. Only a financial agent (not necessarily a CPA) is required in British Columbia. It does not appear, however, that any of these cities reimburse costs associated with the audit or reviews that are required. Options for City Council's consideration are therefore provided below:

Option 1: Status Quo

This option would maintain the current threshold for reimbursement of audit fees for mayoral candidates of \$2,000 plus the inflationary adjustment where campaign expenses of \$5,000 or more are incurred.

Advantages

- Mayoral candidates continue to receive the benefit of some reimbursement for audit expenses.
- No amendment to Bylaw 8491 would be required.

Disadvantages

- The amount of reimbursement may not be commensurate with the actual cost associated with the required audit.
- Does not necessarily accord with best practice.

Option 2: Increase the Amount of Reimbursement to \$3,500

This option is the SMRC recommended option. Mayoral candidates would be eligible to receive reimbursement in the amount of \$3,500 where campaign expenses of \$5,000 or more are incurred.

Advantages

- Mayoral candidates would receive reimbursement of an increased amount for audit expenses.

Disadvantages

- The amount of reimbursement may not be commensurate with the actual cost associated with the required audit.
- Does not necessarily accord with best practice.

Option 3: Remove the Benefit of Reimbursement for Mayoral Candidate Audit Fees

This option would remove the benefit of reimbursement of audit fees for mayoral candidates.

Advantages

- Appears to be more consistent with the practice in other jurisdictions.
- Monetary savings to the City.

Disadvantages

- Mayoral candidates will be responsible for increased audit costs.
- This approach would be inconsistent with the City's past practice.

Given the City's past practice of providing some level of reimbursement for mayoral candidate audit fees and in consideration of the SMRC's recommendation, the Administration recommends Option 1.

Recommendation #4 – Official Agent and Auditor

That the City:

(a) clarifies the language in Bylaw No. 8491, regarding Section 2(c) to include “does not include audit fees or official agent remuneration;”, which reiterates Sections 3.2(4)(c) and (n);

(b) amend the language in Bylaw No. 8491 Schedule “D” form to include the name and signature of the candidate’s Official Agent;

(c) amend Bylaw No. 8491 to include an Appointment of Official Agent for Candidate for Mayor form, and an Appointment of Auditor for Candidate for Mayor form, both of which would require the official agent and candidate to provide their signature and contact information.

The amendments to Bylaw 8491 recommended by the SMRC, in particular clauses (b) and (c), relate to the addition of language and forms to identify a mayoral candidate's official agent and auditor are policy decisions for City Council.

Currently, Bylaw 8491 requires that a candidate for mayor appoint an official agent to be responsible for the financial records relating to the candidate's election campaign. Alternatively, a candidate may serve as their own official agent. These provisions were added on the recommendation of the SMRC in its 2015 Elections Committee Report. Regardless of whether a candidate for mayor appoints an official agent, that candidate remains responsible to ensure that the provisions of Bylaw 8491 are complied with (subsection 3.2(3)), including keeping complete and proper accounting records (section 4) and ensuring the proper disclosure of campaign contributions and expenses to the Returning Officer (sections 5 and 7). These requirements were conscious choices made following receipt of the 2015 Elections Committee Report and are reflected in Schedule "D" of Bylaw 8491 under the section entitled "Attestation of the Candidate" wherein the candidate is required to declare on behalf of themselves or their agent that Schedule "D" is a true account of all campaign contributions received and campaign expenses incurred.

Similarly, Schedule "D" already requires information about the auditor reviewing a mayoral candidate's statement of campaign contributions and expenses, including their name, signature and qualifications. Despite the information already required on Schedule "D" the Returning Officer would find separate forms useful and therefore the Administration is in support of making changes to the Bylaw to accommodate additional schedules, with amendments to come forward for Council approval.

Remuneration paid to an official agent does not currently constitute a campaign expense under Bylaw 8491 (subsection 3(4)). The SMRC recommends that the definition of "campaign expense" in clause 2(c) of Bylaw 8491 be amended to clarify this. This is considered a housekeeping amendment and the Administration agrees with this recommendation of the SMRC. This amendment, along with a number of other minor amendments intended to provide further clarity in the Bylaw have been identified by the Administration and will be brought forward for consideration by City Council.

Recommendation #5 – Bylaw No. 8491 Schedule Forms

That the City review all Bylaw No. 8491 Schedule Forms for clarity, consistency, and thoroughness.

The Administration agrees with this recommendation and supports a review of all Schedules attached to Bylaw 8491 for clarity, consistency and thoroughness.

Throughout the election process, potential Bylaw amendments, including amendments to the Schedules were noted based on the nature of candidate questions being received. The Administration will put forward a recommendation for direction to make appropriate housekeeping amendments to Bylaw 8491 and to the Schedules in accordance with this recommendation.

Recommendation #6 – Retention of Records by Candidates

That the SMRC request that the City address the discrepancy in language between Bylaw No. 8491 Sections 3.(2.1(c(v))) and 11. The following change is recommended: “Official Agent 3.(2.1(c(v))) all financial records of the election campaign are retained by that candidate for the duration of the term of office for which the candidate sought election and are to be made available on request to the Returning Officer;”

Bylaw 8491 contains separate requirements for the retention of documents for a candidate and their official agent. The duties of an official agent were discussed following the 2015 SMRC Election Committee Report and a conscious decision made to ensure that reporting remained a candidate’s responsibility to ensure consistency with the requirements of *The Cities Act*. The Administration is prepared to review these provisions as there may be circumstances wherein the current wording creates confusion if the official agent is the candidate.

Recommendation #7 – Reporting and Retention of Campaign Surplus

That the language in Bylaw No. 8491 be amended to:

- (a) require surplus campaign funds be remitted to the municipality to be held in trust for the candidate in the event that the candidate registers to run in the next municipal election or prior held by-election;**
- (b) stipulate that if the candidate fails to register to run in the next municipal election, the surplus funds held in trust be paid to a charity of the candidate’s choice and, failing that, the surplus funds shall become the property of the municipality and assigned to a fund that has a community focus, such as the closest civic centre to the candidates riding.**
- (c) clearly describe the procedures required, including the requirement of official statements, and inclusion of forms to implement this action.**

The Administration disagrees with this recommendation despite the practice in other jurisdictions. This recommendation has previously been the subject of both the 2015 and 2017 SMRC Election Committee Reports. In consideration of the 2015 report, City Council defeated the motion to amend Bylaw 8491 to require that surplus campaign funds be remitted to the municipality to be held in trust.

Similar to the position previously taken, the Administration is of the view that the LGEA does not empower City Council to compel candidates to require that surplus campaign funds be remitted to a municipality to be held in trust. Section 34 of the LGEA permits a council, by bylaw, to establish disclosure requirements respecting campaign contributions and expenses and establish election campaign spending limits. The existing provisions of Bylaw 8491 are in accordance with the direction contained in the LGEA. They ensure that campaign contribution and expense disclosure rules are adhered to and encourage transparency in reporting the intended use of surplus funds collected.

Late Filing of Disclosure Statements

Recommendation #8 – Disclosure Statement Deadline

That the City amend the language in Bylaw No. 8491 and reduce the period for filing candidate campaign financial statements to 60 days for candidates for councillor, and 90 days for candidates for mayor.

The SMRC recommends decreasing the amount of time within which both candidates for City Councillor and mayoral candidates must file their statement of campaign contributions and expenses. The comments of the SMRC suggest that a shorter period of time aligns with practices in other provinces. However, the SMRC also indicated that mayoral candidates appreciate extra time to file. While the SMRC continues to recommend staggered filing deadlines, the effect of the recommendation would be to decrease the timeframe for filing by a month for each of councillor candidates and mayoral candidates.

Administration is in support of reducing the filing time frame as recommended.

Recommendation #9 – Minimum Late Disclosure Penalties and Relief

That the City amend the language in Bylaw No. 8491 to: (a) include a \$500 Minimum Fine for late disclosure of campaign financial statements; (b) state that the Court has the authority to grant relief for late disclosure of campaign statements.

These are policy decisions for City Council. The Administration supports neither of these recommendations for amendment to Bylaw 8491. In its report, the SMRC states that the Courts of all provinces decide the matter of electoral candidate penalties and disqualification and appears to advocate that jurisdiction over penalties resides within impartial courts, and not with City Council or the City Administration. Imposing a minimum fine, by bylaw, for the late disclosure of campaign financial statements appears to be inconsistent with these principles. Further, a court is in the best position to account for extenuating circumstances.

In respect of recommendation (b), suggesting a minimum fine and then providing discretion to a court, by bylaw, to grant relief is the equivalent of leaving the amount of the fine in the court's discretion, which is what the current language of Bylaw 8491 achieves. For these reasons the Administration disagrees with recommendation #9 and recommends that section 24 of Bylaw 8491 remain in its current form.

Recommendation #10 – Disqualification from Office

That the City amend the language in Bylaw No. 8491 within the section that describes late filings, to thoroughly discuss the penalties, including potential disqualification of an elected person from holding office, and Acts governing these rules.

Recommendation #11 – Consequences for Failure to Provide Statements

That the City amend the language in Bylaw No. 8491, Section 25, Disqualification from Office, to refer to The Cities Act, C-11.1, Section 120(2)(a)(b), and The Municipalities Act, Section 147(2)(a)(b), and clarify that filing late disclosure statements may result in disqualification, as well as being barred from elections in any Saskatchewan Municipality for a period of 12 years.

The following comments apply to both SMRC recommendations 10 and 11 as both advocate for amendments to Bylaw 8491 to thoroughly discuss the consequences of the late filing of disclosure statements, including disqualification.

Section 24 of Bylaw 8491 already addresses the potential for monetary penalties associated with violations of the Bylaw, including the late filing of disclosure statements. Section 25 of Bylaw 8491 requires compliance with all provisions of the Bylaw, which would similarly already include the timelines for filing disclosure statements. The Administration sees little merit in reproducing whole sections of *The Cities Act* in Bylaw 8491 to identify the potential for disqualification for filing late disclosure statements. However, an amendment to section 25 of the Bylaw could be made to specifically reference the relevant sections of *The Cities Act*, which would serve to direct candidates to the potential consequences of a failure to comply with the Bylaw, including disqualification.

For example, section 25 could be amended to read:

“In addition to the penalties set out in section 24, if a candidate who is elected contravenes any provision of this Bylaw, sections 120, 121, 122 and 123 of *The Cities Act* shall apply.”

The existing subsection 25(2) would be repealed as it would be captured by the sections referenced in the amended subsection 25(1).

Recommendation #12 – Provincial Act Amendments

That City Council request that the Government of Saskatchewan amend The Cities Act, C-11.1, Sections 120-124, and The Municipalities Act, M-36.1, Sections 147-151 as necessary to address the topic of late disclosure statement filings in municipal elections.

The Administration agrees that the disqualification provisions contained in sections 120 through 124 of *The Cities Act* are confusing and difficult to navigate and would support seeking clarification as to their application and interpretation. However, any such amendments would need to apply more generally than just to the late filing of disclosure statements which is only one of many potential contraventions of Bylaw 8491 that could result in disqualification. This is a policy decision for City Council.

Administration of the Election

Recommendation #13 – Election Outreach and Voter's List

That the City increase voter participation by developing partnerships with the provincial and federal governments, as well as the University of Saskatchewan, and identify opportunities to work with election outreach initiatives, such as the Voters List.

This both an administrative decision and policy decision of City Council. The Administration agrees in principle with this recommendation.

The discussion to utilize a voters list for elections has been in front of GPC a number of times since one was last used in the 1988 municipal election. A 2016 report from administration to GPC indicated that door-to-door enumeration would cost between \$300,000 and \$500,000.

The Returning Officer is exploring the possibility of sharing election-related voter information from provincial and federal sources to create a voters list without enumeration.

A voters list would be best optimized by using an election management system. With over 218,000 eligible voters for the 2020 municipal election it is too difficult to create and maintain a manual voters list.

This recommendation accords with the intention of the Returning Officer already reported to GPC in his June 21, 2021 report. Additional reporting will be provided, along with options and budget implications from the Returning Officer in the future.

Recommendation #14 – Procedures, Conduct and Rule Enforcement

That the Returning Officer ensure that future Candidates Guides be expanded to include more fulsome sections on frequently asked questions, rules clarifications, and descriptions of complaints, penalties, and enforcement procedures.

This is an administrative decision. The Administration agrees with the recommendation that future Candidate Guides be expanded to include more information on candidate conduct, rule enforcement and expands on frequently asked questions.

Recommendation #15 – Procedures, Conduct and Rule Enforcement

That the City develop a series of online video/webinar resources that explains the procedures involved in running for municipal office, with special attention to issues that candidates may find challenging or where there is lower compliance.

This is an administrative decision. The Administration agrees in principle that a series of online videos/webinars be created to explain the procedures involved in running for municipal office. As there are potential budget implications, additional information will be brought forward by the Returning Officer at a later date.

Recommendation #16 – Procedures, Conduct and Rule Enforcement

That the City support the offices of the Returning Officer and City Clerk, in developing streamlined processes regarding candidate prohibitions, offences, and penalties, including those of campaign signs and late filings, as per the Local Government Election Act, 2015, L-30.11.

The response to a complaint and the enforcement mechanism depends on the nature of the complaint. For example, Bylaw No. 7491, *The Temporary Sign Bylaw, 1995* contains rules about the size and erection of election signs. Contraventions of this Bylaw are enforced by City bylaw enforcement officers.

As has already been discussed at length in this report, late filings are addressed in Bylaw 8491 and *The Cities Act*. Prosecutions for late filings are typically heard in Provincial Court and are undertaken by outside counsel retained by the City Clerk's Office. Accessing representatives of the City Solicitor's Office for such

prosecutions would potentially place these City employees in a conflict of interest. Separate and distinct from prosecutions for late filings, are the potential consequences to members of City Council as elected officials, such as disqualification. The process and enforcement of these matters is contained in *The Cities Act* and typically involve application to the Court of Queen's Bench.

The LGEA contains a number of offence provisions, including provisions addressing some candidate behaviours. The LGEA is not enforced by the City. The province has not appointed representatives of the City Solicitor's Office to conduct prosecutions under the LGEA, nor would it be appropriate to do so. Similar to prosecutions for late filings, doing so would potentially place representatives of the City Solicitor's Office in a conflict of interest. The Minister of Government Relations is responsible for the administration of the LGEA. However, it is the Ministry of Justice and Attorney General that is assigned responsibility for administering *The Summary Offences Procedures Act, 1990*. This Ministry, specifically the Public Prosecutions division, would prosecute offences pursuant to the LGEA.

Where complaints are received by the City, the practice has been to direct a complainant to any relevant Bylaw or legislative provisions and direct the complainant to the appropriate enforcement mechanism or body. In some cases, this may include the Saskatoon Police Service, depending on the nature of the behaviour being complained of.

Recommendation #17 – Procedures, Conduct and Rule Enforcement

That the City develop a Candidate Code of Conduct that would set base expectations of respectful behaviour during the campaign period. The nomination process would include a voluntary agreement, to be signed, that states that the candidate has read and agreed to meeting this standard of conduct during the election period. When official nominations are made public, the status of nominee's agreement or non-agreement to this standard would be included.

Administration is in support of a Candidate Code of Conduct identifying the expectations for respectful behaviour during the campaign period being developed and a requirement that candidates acknowledge that they have received and read the material. There is, however, no legislative ability to tie these documents to the nomination process and the Candidate Code of Conduct would be considered an educational document. As it is not a legislatively required document, enforceability of the code outside of acknowledgement of receipt will be difficult, thus it is being described as an educational document. Violations within the Code of Conduct that are also included within other legislation would still be enforceable.

RECOMMENDATION

That the Governance and Priorities Committee recommend to City Council that:

1. The City discuss and consult with other Saskatchewan cities, SUMA, and municipal associations to seek consensus for changes to local elections, including when they are held;
2. The Administration conduct a review of monthly communications and constituency relations allowance spending patterns and that any amendments to Policy No. C01-027 be revisited after the review is complete;
3. The status quo be maintained, providing mayoral candidates with a reimbursement of audit fees up to \$2,000 where campaign expenses of \$5,000 or more are incurred;
4. The Administration conduct a review of all schedules in Bylaw 8491 for clarity, consistency, and thoroughness and that the City Solicitor be instructed to amend Bylaw 8491 to include:
 - (a) a definition of “campaign period” commencing June 1 in the year of a general election;
 - (b) a definition of “campaign expense” to state that remuneration paid to an official agent does not constitute a campaign expense;
 - (c) a schedule where the official agent can be listed;
 - (d) schedules for the appointment of official agent for candidate for mayor and the appointment of auditor for candidate for mayor;
 - (e) reducing the disclosure statement filing deadline for both candidates for councillor and candidates for mayor by one month;
 - (f) clarifying language regarding the retention of records by candidates when an official agent has been appointed;
 - (g) the addition to section 25 of “In addition to the penalties set out in section 24, if a candidate who is elected contravenes any provision of this Bylaw, sections 120, 121, 122, and 123 of *The Cities Act* shall apply.”; and
 - (h) other general housekeeping amendments that were brought forward throughout the election process based on questions from candidates; and
5. The Administration seek clarity from Government regarding disqualification provisions in *The Cities Act*, specifically sections 120 through 124, as to their application and interpretation.

RATIONALE

The Administration has tried to include the rationale for its recommendations and any options for consideration in the context of its comments on the individual recommendations of the SMRC.

FINANCIAL IMPLICATIONS

Potential budget implications have been identified in this report. Specific budget requests related to the decisions of City Council on this item will be brought forward at a later date.

ADDITIONAL IMPLICATIONS/CONSIDERATIONS

Additional reporting as noted in this report, and from the Returning Officer's report that have budget or larger policy implications will be brought forward as separate reports. Items from the Returning Officer's report will include consideration of an election management system to assist with the mail-in ballot system, potential voter's list management, and other election efficiencies.

APPENDICES

1. Saskatoon Municipal Review Commission - 2021 Municipal Election Committee Report
2. Letter from Mayor Clark to Premier Moe re: Election Date
3. Response Letter from Minister McMorris
4. Returning Officer's Election Review Report

Report Approval

Written by: Scott Bastian, Returning Officer
Christine Bogad, Director of Legal Services

Reviewed by: Cindy Yelland, City Solicitor
Adam Tittlemore, City Clerk

Approved by: Adam Tittlemore, City Clerk